Washington, Friday, December 11, 1953

#### TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 542, Amended]

PART 319-FOREIGN QUARANTINE NOTICES

MODIFICATION OF ADMINISTRATIVE INSTRUC-TIONS PRESCRIBING METHOD OF TREAT-MENT OF ORANGES, GRAPEFRUIT, TANGE-RINES, AND MANILA MANGOES FROM MEXICO

Pursuant to the authority conferred by § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56) § 319.56–2g (a) (8) of the administrative instructions prescribing method of treatment of oranges, grapefruit, tangerines, and Manila mangoes from Mexico (7 CFR Supp. 319.56–2g (a) (8) B. E. P. Q. 542, as amended) is hereby amended to read as follows:

§ 319.56-2g Administrative instructions prescribing method of treatment of oranges, grapefruit, tangerines, and Manila mangoes from Mexico—(a) Conditions for issuance of permits. \* \* \*

(8) In cases where treating rooms are located in the interior of Mexico, or at places removed from ports of entry where inspectors are regularly stationed, those in interest must make advance arrangements for approval of the plant and for supervision, and furnish the Chief of the Bureau of Entomology and Plant Quarantine with acceptable assurance that they will provide, without cost to the United States Department of Agriculture, all salaries, transportation, per diem, and other incidental expenses for the supervising inspectors, including the payment to the inspectors of additional compensation for their services in excess of 40 hours weekly, according to rates established for the payment of Bureau of Entomology and Plant Quarantine inspectors.

The purpose of this amendment is to specify additional conditions that must be met when inspectors are sent to points in the interior of Mexico or places removed from ports of entry where inspectors are regularly stationed, to supervise treatments authorized in the administrative instructions hereby amended. It

is necessary that such conditions be made effective immediately in order to parallel employment procedures for inspectors working at their assigned stations in this country. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found for good cause that notice and public procedure on the foregoing amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the effective date hereof less than 30 days after its publication in the Federal Register.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162)

This amendment shall be effective December 11, 1953.

Done at Washington, D. C., this 18th day of November 1953.

[SEAL]

W. L. POPHAM, Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 53-10345; Filed, Dec. 10, 1953; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

EXPENSES OF PECAN ADMINISTRATIVE COM-MITTEE AND RATE OF ASSESSMENT FOR FISCAL PERIOD BEGINNING OCTOBER 1, 1953

Notice of proposed rule making with respect to expenses of the Pecan Administrative Committee and rate of assessment for the fiscal period beginning October 1, 1953 was published in the FEDERAL REGISTER of November 18, 1953 (18 F. R. 7300) pursuant to provisions of Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR,

(Continued on p. 8131)

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1952 Sup., Part 994) effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) In said notice opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule. No such documents were received during the time specified in the notice.

It is hereby found and determined that it is unnecessary and contrary to the public interest to delay the effective date of this order later than the date of its publication in the Federal Register for the reasons that (1) it is necessary that the Pecan Administrative Committee be authorized to collect assessments from handlers to defray expenses incurred in administering the marketing agreement and order during the current fiscal period and the establishment of a rate of assessment is necessary to such collection; (2) the handling of assessable inshell pecans of the 1953 crop has begun; and (3) the order herein will require no special preparation by handlers or the Pecan Administrative Committee.

Therefore, after consideration of all relevant matters, it is hereby found and determined that the expenses of the Pecan Administrative Committee and rate of assessment shall be as follows:

§ 994.304 Expenses for the fiscal period-beginning October 1, 1953, and rate of assessment—(a) Expenses. Expenses in the amount of \$32,000 are reasonable and likely to be incurred by the Pecan Administrative Committee for its maintenance and functioning during the fiscal period beginning October 1, 1953; and

(b) Rate of assessment. The rate of assessment to be paid, in accordance with the applicable provisions of said marketing agreement and order, by each handler who first handles unshelled pecans shall be 16 cents per hundred pounds of assessable unshelled pecans handled by him as the first handler thereof during the fiscal period beginning October 1, 1953.

(Sec. 5, 48 Stat. 31, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 7th day of December 1953 to become effective upon publication in the Federal Register.

[SEAL] TRUE D. Morse,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10306; Filed, Dec. 10, 1953; 8:45 a. m.]

# TITLE 5—ADMINISTRATIVE PERSONNEL

#### Chapter I-Civil Service Commission

Part 6—Exceptions From the Competitive Service

MISCELLANEOUS AMENDMENTS

Effective upon publication in the Federal Register, subparagraph (3) is added to § 6.103 (f), subparagraph (11) is added

to  $\S$  6.302 (b), subparagraph (9) is added to  $\S$  6.323 (a), and  $\S$  6.366 is added as set out below.

§ 6.103 Treasury Department. \* \* \* (f) Bureau of Customs. \* \* \*

(3) The positions of Collector of Customs at Puerto Rico and the Virgin Islands.

§ 6.302 Department of State. \* \* \*

(b) Bureau of Security, Consular Affairs and Personnel. \* \* \*

(11) Chief Inspector.

§ 6.323 Department of Health, Education, and Welfare—(a) Office of the Secretary. \* \* \*

(9) One Special Representative of the Secretary.

§ 6.366 Federal Mediation and Conciliation Service. (a) One General Counsel.

(b) Two Private Secretaries to the Director.

(c) One Private Secretary to each of the following: The Associate Director, the Assistant Director, and the General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-10330; Filed, Dec. 10, 1953; 8:51 a. m.]

# Chapter III—Foreign and Territorial Compensation

Subchapter C-Civil Service Commission

PART 350—TERRITORIAL POST DIFFERENTIALS AND TERRITORIAL COST-OF-LIVING ALLOWANCES

#### PAYMENT

Section 350.6 (h) is amended to read as follows:

§ 350.6 Payment of territorial post differentials and territorial cost-of-living allowances. \* \* \*

(h) Payments of territorial post differentials represent "additional compensation properly includible in the gross mome of the recipient for Federal income tax purposes." (Letter of Commissioner of Internal Revenue to Bureau of the Budget, August 28, 1948). Payments of territorial cost-of-living allowances "are excludable from gross income and exempt from Federal income tax under the provisions of section 116 (j) of the Internal Revenue Code." (Revenue Ruling 237, Internal Revenue Bulletin No. 22 of October 26, 1953, page 13.)

(Sec. 202, Part II, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

United States Civil Service Commission,
[SEAL] Wil C. Hull,
Executive Assistant.

[F. R. Doc. 53-10331; Filed, Dec. 10, 1953; 8:51 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6093]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GARDEN RESEARCH LABORATORIES ET AL. Subpart-Advertising falsely or misleadingly: § 3.20 Comparative data or merits; § 3.25 Competitors and their products-Competitors' products; § 3.30 Composition of goods; § 3.85 Government approval, action, connection or standards—in general; § 3.90 History of product or offering; § 3.170 Quantities or properties of product or service; § 3.195 Safety; § 3.205 Scientific or other relevant facts; § 3.210 Scientific tests; § 3.265 Tests and investigations. Subpart—Disparaging competitors anđ their products-Competitors' products: § 3.1000 Performance; § 3.1010 Qualities or properties; § 3.1025 Sajety. In connection with the offering for sale, sale and distribution in commerce, of the chemical fertilizer designated "RX-15" or any other product containing substantially the same ingredients or possessing substantially the same properties, representing, directly or by implication: (1) That RX-15 is the scientific designation of a plant flud; (2) that said product is a new plant food or new discovery, or that it was developed as a result of atomic research; (3) that persons identified with any college, university, or other institution of learning discovered said product, conducted tests or made reports with respect thereto, unless such be the fact;
(4) that personnel identified with Rutgers University or any other educational institution made photographs showing the results obtained by the use of respondents' products or that the United States Atomic Energy Commission had taken photographs pertaining to respondents' product or authorized the use by respondents of any such photographs; (5) that photographs of plants taken one hour after being fertilized by liquid fertilizer were taken only fifteen minutes thereafter, or representing that photographs were taken at any specified time contrary to the fact; (6) that respondents' product contains radioactive materials; (7) that the use of said product, by sprinkling and without other factors, will assure an abundance of flowers or vegetables on a small patch of ground; (8) that the ingredients of said products are absorbed by the leaves within fifteen minutes, or within any other period of time which is contrary to fact; (9) that dry fertilizers do not produce results for months or other extended periods of time after application, or misrepresenting in any other manner the time within which dry fertilizers are absorbed or produce results; (10) that said product is more powerful than all other fertilizers; or that it supplies 360 percent more plant food at the rate of 1,000 times faster than other fertilizers or at any other given quantity or rate inconsistent

with the facts, or misrepresenting in any other manner the amount of plant food supplied by said product or the period of time within which such plant food takes effect in comparison with other fertilizers; (11) that said product is substantially cheaper in price under conditions of effective use than all other fertilizers; (12) that there are vitamins and harmones contained in said product which aid plant growth; (13) that the amount of plant food supplied by said product, when in a water solution, is any amount in excess of the quantity of respondents' product actually present in such solution; or that, under such conditions of use, the cost of said plant food is less than it is in fact; (14) that other fertilizers, even though used according to directions, may injure plants; and (15) that respondents' product, unlike other fertilizers, will not burn or injure foliage, even though not used according to directions; prohibited.

(Sec. 6, 38 Stat. 722; 15 U.S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 5 U. S. C. 45) [Cease and desist order, Garden Research Laboratories et al., Madison, N. J., Docket 6093, November 13, 1953.]

In the Matter of Garden Research Laboratories, a Corporation, and Cecil C. Hoge, Individually and as an Officer of said Corporation, Cecil C. Hoge, Hamilton Hoge, John Hoge, Sidney C. Hoge and Barbara Obolensky, copartners Trading Under the Name of Huber Hoge and Sons: and Alfred S. Pfeil, an Individual

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, and a hearing before said examiner, theretofore duly designated by the Commission, at which a stipulation as to the facts was entered into by counsel in lieu of oral testimony in support of or in opposition to the allegations of the complaint, and certain documentary evidence by agreement of counsel was introduced into evidence.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint and said stipulation as to the facts and docu-mentary evidence (which were recorded and filed in the office of the Commission) and counsel having elected not to file proposed findings and conclusions for consideration by said examiner and oral argument not having been requested; and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,1 conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said mitial decision, including said order to cease and desist, accordingly,

under the provisions of said Rule XXII became the decision of the Commission on November 13, 1953.

Said order to cease and desist is as follows:

It is ordered, That the respondent Garden Research Laboratories, a corporation and its officers, and the respondent Cecil C. Hoge, individually and as an officer of said corporation, and the respondents Cecil C. Hoge, Hamilton Hoge, John Hoge, Sidney C. Hoge and Barbara Obolensky, individually and as copartners doing business as Huber Hoge and Sons, or under any other name, and the respondent Alfred S. Pfeil, individually, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the chemical fertilizer designated RX-15, or any other product containing substantially the same ingredients or possessing substantially the same properties, do forthwith cease and desist from representing, directly or by implication:

1. That RX-15 is the scientific designation of a plant food.

2. That said product is a new plant food or new discovery, or that it was developed as a result of atomic research.

3. That persons identified with any college, university or other institution of learning discovered said product, conducted tests or made reports with respect thereto, unless such be the fact.

4. That personnel identified with Rutgers University or any other educational institution made photographs showing the results obtained by the use of respondents' product or that the United States Atomic Energy Commission had taken photographs pertaining to respondents' product or authorized the use by respondents of any such photographs.

5. That photographs of plants taken one hour after being fertilized by liquid fertilizer were taken only fifteen minutes thereafter, or representing that photographs were taken at any specified time contrary to the fact.

6. That respondents' product contains radioactive materials.

7. That the use of said product, by sprinkling and without other factors, will assure an abundance of flowers or vegetables on a small patch of ground.

8. That the ingredients of said products are absorbed by the leaves within fifteen minutes, or within any other period of time which is contrary to fact.

9. That dry fertilizers do not produce results for months or other extended periods of time after application, or misrepresenting in any other manner the time within which dry fertilizers are absorbed or produce results.

10. That said product is more powerful than all other fertilizers; or that it supplies 360 percent more plant food at the rate of 1,000 times faster than other fertilizers or at any other given quantity or rate inconsistent with the facts, or misrepresenting in any other manner the amount of plant food supplied by said product or the period of time within

which such plant food takes effect in comparison with other fertilizers.

11. That said product is substantially cheaper in price under conditions of effective use than all other fertilizers.

12. That there are vitamins and hormones contained in said product which

aid plant growth.

13. That the amount of plant food supplied by said product, when in a water solution, is any amount in excess of the quantity of respondents' product actually present in such solution; or that, under such conditions of use, the cost of said plant food is less than it is in fact.

14. That other fertilizers, even though used according to directions, may injure

plants.

15. That respondents' product, unlike other fertilizers, will not burn or injure foliage, even though not used according to directions.

By "Decision of the Commission and Order to File Report of Compliance, Docket 6093, November 13, 1953, which announced and decreed fruition of said mitial decision, report of compliance was required as follows:

It is ordered. That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 13, 1953.

By the Commission.

ALEX. AKERMAN, Jr., [SEAL]

Secretary.

[F. R. Doc. 53-10342; Filed, Dec. 10, 1953; 8:53 a. m.]

#### TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146-CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

#### MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371, 67 Stat. 18) the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F R. 2099, 2337) are amended as indicated below:

1. In § 146.58 Penicillin and strepto-mycin \* \* \* subparagraph (1) (iv) of paragraph (c) Labeling is amended by changing the figure "36" to "48"

2. Section 146.201 (c) (2) and (3) are

amended to read:

Chlortetracycline hydrochloride (chlortetracycline hydrochloride salt)

(c) Labeling. \* \* \*

(2) On the outside wrapper or con-

<sup>&</sup>lt;sup>1</sup>Filed as part of the original document.

- (i) The statement "Caution: Federal PART 146—CERTIFICATION OF BATCHES OF law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use, and is conspicuously so
- (ii) If it is intended solely for intravenous veterinary use, the statement 'Caution: Federal law restricts this drug to sale by or on the order of a licensed vetermarian."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended for intravenous veterinary use, adequate directions and warnings for its use by veterinarians licensed by law to administer such drug.

(iii) If it is intended solely for veterinary use other than for intravenous injection and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iv) A statement of the conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions, and a statement "Sterile solutions must be injected immediately after preparation."

3. Section 146.307 (c) (1) (iii) is amended to read:

§ 146.307 · Chloramphenicol solution.

(c) Labeling. \* \* \*

(1) \* \* \*

(iii) The statement "Expiration date ," the blank being filled in with the date which is 12 months after the month during which the batch was certified if it is the solution of the drug, or 24 months after the month during which the batch was certified if it is the dry mixture of the drug.

(Sec. 701, 52 Stat. 1055; 21 U.S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: December 7, 1953.

[SEAL] OVETA CULP HOBBY, Secretary.

[F. R. Doc. 53-10305; Filed, Dec. 10, 1953; 8:45 a. m.]

ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

EXEMPTION FROM CERTIFICATION OF ANIMAL FEED CONTAINING ANTIBIOTICS UNDER CERTAIN CONDITIONS

Under authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507 (c) 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; 21 U.S. C. 357 (c), 67 Stat. 18), I find that the requirements of sections 502 (1) and 507 of the act with respect to animal feed containing certifiable antibiotics and 0.056 percent of nitrofurazone, when used for the treatment of swine enteritis caused by Salmonella choleraesuis, are no longer necessary to insure safety and efficacy of such drugs when used for the purpose indicated, and hereby promulgate the following amendment exempting such drugs from the requirements:

Section 146.62 is amended by adding the following new paragraph:

(1) It is intended for use solely as a treatment for infectious swine enteritis caused by Salmonella choleraesuls, its labeling bears adequate directions and warnings for such use, and it contains nitrofurazone in a quantity, by weight of feed, of 0.056 percent.

(Sec. 701, 52 Stat. 1055; 21 U.S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it would be against public interest to delay providing for the aforesaid amendment, and since it conditionally relaxes existing requirements.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: December 7, 1953.

OVETA CULP HOBBY, [SEAL] Secretary.

[F. R. Doc. 53-10304; Filed, Dec. 10, 1953; 8:45 a. m.1

### TITLE 22—FOREIGN RELATIONS

#### Chapter I—Department of State

PART 44-VISAS: DOCUMENTATION OF IM-MIGRANTS UNDER THE REFUGEE RELIEF **ACT OF 1953** 

#### Correction

In Federal Register Document 53-10112, appearing at page 7783 of the issue for Thursday, December 3, 1953, the following corrections should be made:

- 1. In the eighth line of § 44.3 (b) the beginning of the second sentence of (b) should read "If it is found"
- 2. The first two words of (6) of § 44.4 (a) should read "a satisfactory"
- 3. In the fifth line of § 44.7 (e) the word "visas" should read "visa".

[Departmental Reg. 103.203]

PART 99—Information Media Guapanties Under the Economic Cooperation Acr OF 1948, AS AMERIDED

WITHDRAWAL

Part 99 of Chapter I, Title 22, 1s hereby withdrawn.

For the Secretary of State.

EDWARD T. WAILES. Assistant Secretary.

[F. R. Dcc. 53-10324; Filed, Dec. 10, 1953; 8:50 a. m.]

# TITLE 32A—NATIONAL DEFENSE, **APPENDIX**

#### Chapter I—Office of Defense Mobilization

[Defence Mobilization Order VI-21

DMO VI-2-POLICY GUIDANCE AND DELE-CATION OF RESPONSIBILITY WITH RE-SPECT TO TRANSPORTATION IN PREPARA-TION FOR ATTACK CONDITIONS, UNDER ATTACK CONDITIONS, AND IN POST-AT-TACK REHABILITATION

- 1. Under the authority vested in me by Executive Order 10480 of August 14, 1953 (18 F. R. 4939) I hereby assign to the Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission, the Secretary of Commerce, the Secretary of the Army. the Secretary of the Treasury, and the Secretary of the Interior, within their respective areas of responsibility designated in section 201 of Executive Order 10480 and section 401 of Executive Order 10219, responsibility for preparing plans and programs for the most effective use of the nation's transportation facilities 1 (a) in preparation for attack conditions. (b) under attack conditions, and (c) in post-attack rehabilitation.
- 2. It is the policy of the Office of Defense Mobilization to develop through the designated agencies plans to meet the problems which would thus be presented with the objective of:
- a. Developing the greatest possible resistance within the transportation plant to attack and achieving the maximum operating flexibility under attack conditions.
- b. Assuring the maximum transportation performance under attack conditions, by the above and by such control measures as may be required to that end.
- c. Directing this performance toward the most urgent transportation requirements presented at the time.
- d. Coordinating transportation with plans and programs for meeting the production problems presented by loss and disorganization of productive capacity.
- e. Assuring the most rapid restoration of transportation capacity to the level of post-attack transportation requirements, in the priority dictated by those requirements, and coordinated with other national post-attack rehabilitation programs.

<sup>2</sup> The word "transportation" includes warehousing, storage, and port facilities.

- 3. The policy above indicated applies specifically in the following, among other matters:
- a. Development for each type of transportation of plans for the security of communications, operating facilities, operating personnel, operating head-quarters, and essential operating records.
- b. Development of alternative routes tending to disperse risk, nationwide detour plans around all major traffic centers, and all other measures of like character that study of the situation may disclose to be desirable as well as necessary steps to minimize the impact of attacks upon transportation.
- c. Development of (1) a comprehensive plan of operation, including operating procedures and channels of communications under post-attack conditions, and (2) in coordination with the Federal Civil Defense Administration, a similar plan of operation under attack conditions which enables determination of the priority to be accorded traffic and enables such priority to be carried out.
- d. Development of plans for determining the amount and priority of restoration of transportation plant in the postattack phase in coordination with national post-attack controls and requirements and for the concentration of materials, work equipment, and forces to accomplish such restoration. To this end, the designated agencies shall develop for each type of transportation plans for the stockpiling of necessary restoration materials and the provision of work equipment.
- 4. The designated agencies shall cooperate with each other, and with other government agencies having statutory or other legal responsibility relating to activities assigned herein, to assure effective correlation of government plans and programs.
- 5. The designated agencies shall report from time to time to the Director of the Office of Defense Mobilization the progress made in carrying out this assignment.

OFFICE OF DEFENSE MOBILIZATION, ARTHUR S. FLEMMING.

Director

[F. R. Doc. 53-10388; Filed Dec. 9, 1953; 2:46 p. m.]

# TITLE 47—TELECOMMUNI-CATION

#### Chapter I—Federal Communications Commission

[Docket No. 10711]

PART 2-FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 2d day of December 1953:

The Commission having under consideration its proposal in the above entitled matter; and

It appearing, That in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on October 7, 1953 (18 F. R. 6384) and that the period for the filing of comments has now expired; and

It further appearing, that no comments were submitted in this proceeding; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in section 303 (c) (f) and (r) of the Communications Act of 1934, as amended:

It is ordered. That, effective 30 days after publication in the Federal Regis-TER, Part 2 of the Commission's rules is amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended: 47 Ù. S. C. 303)

Released: December 4, 1953.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] WM. P. MASSING

Acting Secretary.

Amend § 2.104 (a) (5) by adding the footnote "NG1" to all frequency bands allocated to the broadcasting service in which the footnote does not now appear. The portion of the section so affected will then read as follows:

	8	9	10	11
535-550 (US27) (NG1) (NG24)	Broadcasting	Broadcasting	-4	Standard broadcast.
550-1500(NG1) (NG24)	Broadcasting	Broadcasting		Standard broadcast.
1500-1600(NG1) (NG24)	Broadcasting	Broadcasting		Standard broadcast.
1600-1605 (NG1) (NG24)	Broadcasting	Broadcasting		Standard broadcast.
6000-6200 (NG1)	Broadcasting	International broadcasting		International broadcasting.
9500-9700(NG1)	Broadcasting	International broadcasting		International broadcasting.
11,700–11,900 (NG1)	Broadcasting	International broadcasting		International broadcasting.
15,100-15,350 (NG1)	Broadcasting	International broadcasting		International broadcasting.
17,750-17,850 (NG1)	Broadcasing	International broadcasting		International broadcasting.
21,450-21,750 (NG1)	Broadcasting	International broadcasting		International broadcasting.

[F. R. Doc. 53-10317; Filed, Dec. 10, 1953; 8:47 a. m.]

#### [Docket No. 10646]

### PART 3-RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS: TABLE OF ASSIGNMENTS

 The Commission has under consideration its notice of proposed rule making issued on August 21, 1953 (FCC 53-1066) and published in the FEDERAL REG-ISTER on August 28, 1953 (18 F. R. 5148) proposing to assign Channel 7 to Carthage, New York.

2. The time for filing comments in this proceeding expired September 23, 1953. The Brockway Company, Watertown, N. Y., supported the proposal. Meredith Syracuse Television Corporation and WAGE, Inc., both of Syracuse, N. Y., opposed the proposal.

- 3. In support of the proposed assignment of Channel 7 to Carthage, Brockway urged that the assignment would provide a first VHF assignment in the area of New York State known as the "North Country" that this area is sparsely populated and underserved; that Jefferson County, in which Carthage is located, has a population of 85,521, including Carthage with a population of 4,420 and Watertown with a population of 34,350; and that it will file an application for a construction permit to build a station on this channel at Carthage.
- 4. Meredith opposed the assignment of Channel 7 to Carthage on the grounds

that such an operation would cause interference within the service area of Station WHEN operating on adjacent Channel 8 at Syracuse, N. Y. Meredith concedes that the proposed assignment meets the required minimum adjacent channel spacing and that existing stations are not protected from any interference which may be caused by the grant of a new station or the modification of the facilities of an existing station but contends that in making a determination on the assignment of new channels in an area the Commission should take into account the effect on other stations notwithstanding the fact that the proposed assignment meets the minimum spacings. In the sixth report and order the Commission concluded that adjacent channel interference was not interference in the sense that no service was available but that it was a substitution of one service for another. In that report reasons were given for deleting the previously proposed adjacent channel ratios and the replacement therefore of minimum mileage separations. must reject the contention that existing stations are entitled to more protection from interference from proposed assignments than from other existing stations. Further the rules as finally adopted in the sixth report do not provide for interference calculations of any sort.

5. WAGE, Inc., opposed the assignment of Channel 7 to Carthage, and filed

a counterproposal requesting, instead, that Channel 11 be assigned as a third VHF channel to Syracuse, New York. This assignment requires that we switch VHF channels in Buffalo, New York, and in three Canadian cities. The WAGE, Inc., counterproposal, therefore, would require an amendment of the United States-Canadian Television: Agreement relating to television channel assignments along the Canadian border. Channel 11 in Syracuse, under the WAGE, Inc., proposal, would be 170 miles from the co-channel assignment in Toronto. This proposal, in addition, would require that an existing station on Channel 9 in Toronto be shifted to another frequency. Representatives of the Canadian Government were consulted with reference to this counterproposal; however, agreement to an amendment of the United States-Canadian Television Agreement that would incorporate the assignment changes requested by WAGE. Inc., could not be reached. In view of these facts, we believe the public interest in insuring stability of assignments along the United States-Canadian border requires the rejection of the WAGE, Inc., counterproposal.

6. The Commission finds that the assignment of Channel 7 to Carthage, N. Y., meets the requirements of the rules and would be in the public interest.

7. Authority for the adoption of the proposed amendments is contained in sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: It is ordered, That effective 30 days after publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

a. Add to the table under the State of New York:

Citv:

[SEAL]

Channel No. Carthage, N. Y.\_\_\_\_

b. Change the Channel 7 assignment in Calais, Maine, from 7 to 7-

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: December 2, 1953. Released: December 4, 1953.

> FEDERAL COMMUNICATIONS COMMISSION. WM. P. MASSING, Acting Secretary.

[F. R. Doc. 53-10320; Filed, Dec. 10, 1953; 8:48 a. m.]

[Docket No. 10713]

PART 3-RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

1. The Commission has under consideration its notice of proposed rule making (FCC 53-1323) issued in this proceeding on October 8, 1953, proposing to amend the Commission's table of television assignments by assigning Channel 6 to Whitefish Bay, Wisconsin, to be accomplished by interchanging the assignments of Channels 5 and 6 between Marquette, Michigan, and Green Bay, Wisconsin.

2. The Hearst Corporation and the Common Council of the City of Milwaukee filed comments supporting the proposed amendment. Comments in opposition to the proposed amendment were filed by WJIM, Inc., Lansing, Michigan; Central Broadcasting Company, Davenport, Iowa; Midwest Broadcasting Company, Milwaukee, Wisconsin; and the Ultra High Frequency Television Association.

3. In support of the assignment of Channel 6 to Whitefish Bay, The Hearst Corporation urges that this assignment would provide an additional VHF service to Wisconsin and the Milwaukee metropolitan area without depriving any other community of an assignment. Hearst contends that such assignment, which can be accomplished merely by interchanging Channel 5 for Channel 6 between Marquette, Michigan, and Green Bay, Wisconsin, would effect a more efficient use of television channels since it would make three commercial VHF services available in the Milwaukee area. Hearst states that no applications are presently pending for Channel 5 in Marquette, two applications, which have not yet been designated for hearing, are pending for Channel 6 in Green Bay, and that only minor changes would be required in order to amend the Green Bay applications to specify Channel 5. The Green Bay applicants have not filed oppositions to the proposed assignments. The Common Council of the City of Milwaukee, in supporting the assignment of Channel 6 to Whitefish Bay, urges that "there is real justification and merit" for the additional assignment of VHF Channel 6 to the Milwaukee area.

4. WJIM, Inc., licensee of Station WJIM-TV on Channel 6 in Lansing, Michigan, opposed the assignment of Channel 6 in Whitefish Bay. WJIM urges that shifting Channel 6 from Green Bay to Whitefish Bay will substantially increase the interference caused to WJIM-TV. Central Broadcasting Company, licensee of Station WOC-TV on Channel 6 in Davenport, Iowa, also opposed the proposed amendment of Channel 6 in Whitefish Bay. Central submits that in the recent television proceedings in Docket 8736 et al., it was directed to show cause why the television channel authorized for the operation of WOC-TV should not be changed from 5 to 6 and the purpose of the channel change was to reduce the interference which WOC-TV received on Channel 5. Central states that it spent considerable time and money in shifting to Channel 6. Central argues that assigning Channel 6 to Whitefish Bay will increase the interference to

WOC-TV "to approximately the same extent that it would have suffered if it had remained on Channel 5."

5. Both WJIM, Inc., and Central Broadcasting Company concede that Channel 6 in Whitefish Bay would comply with all minimum spacing requirements, but urge that their existing stations in Lansing and Davenport are entitled to greater protection. However, § 3.612 of the rules provides that "Permittees and licensees of television broadcast stations are not protected from any interference which may be caused by the grant of a new station or of authority to modify the facilities of an existing station \* \* \*" and that "The nature and extent of the protection from interference accorded to television broadcast stations is limited solely to the protection which results from the minimum assignment and station separation requirements and the rules with respect to maximum powers and antenna heights set forth in this subpart." The Commission made clear in the sixth report (paragraph 206) issued in the recent television proceedings that "the Commission is not basing the Table of Assignments on any theory of protected contours" and that "In establishing the Table we have not provided for any protection to specific contours of existing stations in connection with the grant of individual applications." In light of the above, and since Channel 6 in Whitefish Bay would meet all minimum spacing requirements, we can see no merit to the contentions of WJIM, Inc. and Central Broadcasting Company. It is correct that in the recent allocation proceedings WOC-TV was changed from Channel 5 to Channel 6; however, this change was required in order to eliminate a substandard separation of only 155 miles.

6. The Ultra High Frequency Association and Midwest Broadcasting Company filed comments opposing the assignment of Channel 6 to Whitefish Bay. Midwest has been operating UHF Station WCAN-TV on Channel 25 in Milwaukee since September 6, 1953. Midwest and the Association state that they oppose "any assignment of VHF channels which distorts the assured plan under which UHF stations were financed and built." They urge that permittees, "relying upon the finality of the Commission's allocation action," have "invested money in the acquisition of equipment and construction of facilities." The assignment of an additional VHF channel in the Milwaukee area, they assert, will have a deleterious economic effect on the UHF operators. Midwest and the Association contend that two basic principles expressed in the sixth report and table of assignments are the preservation of "a competitive balance of power between VHF and UNF" and a fostering of "the maximum utilization of television channels in both bands throughout the United States in a manner consistent with the public interest." They state that relying on these principles and the belief that nothing would be done to upset the table of assignments in regard to the balance between the VHF and UHF, and that equipment would be soon available which would permit transmissions at high

<sup>&</sup>lt;sup>1</sup>Central Broadcasting Company filed its comments on November 10, 1953, one day after the last date for filing such comments in this proceeding, and moved that its late comments be accepted, alleging good cause. This motion has been granted and the comments have been accepted in this proceeding.

power and which would enable conversion of VHF sets to UHF many UHF grantees expended money and effort in developing UHF service. Midwest and the Association submit that adding VHF assignments in large cities is unfair to such UHF operators and is contrary to the Commission's previous efforts to expedite the establishment of UHF service. They contend that in Milwaukee, the addition of Channel 6 would deter the conversion of receivers to receive UHF and would substantially decrease the possibility of the UHF stations receiving network affiliations. The Association requests that the time for filing comments in this proceeding be extended for a period of at least 90 days to enable it to complete a number of surveys concerning the VHF-UHF relationship. Midwest and the Association also request that action on the Whitefish Bay assignment be withheld until after the decision in the case of Logansport Broadcasting Corp. v. United States, in the Court of Appeals for the District of Columbia Circuit. They argue that this decision might make an overall allocation proceeding necessary. Midwest and the Association request oral argument or an oral hearing.

7. It is our view that the record in this proceeding supports the assignment of Channel 6 to Whitefish Bay. The oppositions to this assignment filed by Midwest and the Ultra High Frequency Association are apparently premised on the assumption that the Commission's table of assignments is static and that existing licensees are entitled to a protection from additional assignments which would conceivably adversely affect their private economic interests. Both of these assumptions are incorrect. The Commission's table of assignments is not an inflexible allocation plan and the Commission's rules specifically provide procedures for amendments to the table: And since the sixth report numerous changes in channel asignments have been accomplished. Nor is it the case that licensees are entitled to a "freeze" on changes in the table of assignments because of a possible adverse effect on private commercial interests. Channel 6 in Whitefish Bay meets the Commission's assignment requirements and we see no merit, therefore, in the contentions advanced by Midwest Broadcasting Company and the UHF Association.

8. Nor do we see any necessity for extending the time for filing comments in this proceeding or for the holding of an oral hearing or oral argument. Adequate opportunity has been afforded all interested parties to participate in this proceeding, and lengthy comments have been submitted by both Midwest and the UHF Association. Oral argument or an oral hearing at this time is unnecessary and would serve no useful purpose. Finally, we are of the view that the pendency of the Logansport appeal has

proposed amendments is contained in sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

no relevance to this proceeding. 9. Authority for the adoption of the

10. In view of the foregoing; It is ordered, That, effective 30 days from publication in the Federal Register, the table of assignments contained in § 3.606 of the commission's rules and regulations is amended as follows:

1. Add to table:

City. Channel No. Whitefish Bay, Wis\_\_\_\_\_

2. Amend the table to read:

Channel No. Marquette, Mich.... 

(Sec. 4, 48 Stat. 1066 as amended; 47 U.S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: December 3, 1953.

Released: December 4, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

WM. P MASSING, Acting Secretary.

[F. R. Doc. 53-10319; Filed, Dec. 10, 1953; 8:48 a. m.]

[Docket No. 10591]

PART 3-RADIO BROADCAST SERVICES

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STA-

- 1. The Commission has under consideration its notice of proposed rule making issued on July 15, 1953 (FCC 53-876) proposing to amend its Standards of Good Engineering Practice Concerning Standard Broadcast Stations with respect to blanketing requirements.
- 2. The standards presently provide that where a station is to be located in a city which is not part of a metropolitan district, the transmitter site shall be so located that the population within the 250 mv/m contour shall be less than 1 percent of the population of the city in which the main studio is located. However, there is a proviso that where it is impossible or impractical to locate a station at such a site, it may be located so that the population within the 500 mv/m contour shall be less than 1 percent of the population of the city.
  Where the station is to be located in a city which is part of a metropolitan district, the standards now provide that the transmitter site shall be located so that the population within the appropriate contour (250 mv/m) or 500 mv/m) shall be less than 1 percent of the population within the metropolitan district receiving primary service.
- 3. The July 15th notice proposes that the 1 v/m (1000 mv/m) contour be considered the blanket contour instead of the 250 mv/m, that the 25 mv/m contour be used as the reference contour for blanketing purposes in all situations, and that the population within the blanket contour not exceed 1 percent of the population within the reference (25 my/m) contour. Further, an exception is provided where the number of persons within the 1 v/m contour is 300 or

4. Comments were filed by three parties.1 Radio Cincinnati's comments are directed to the last sentence of paragraph D of section 4 which provides:

The Commission will not authorize new stations, increased facilities to existing stations or auxiliary transmitters, of greater than 500 watts operating power in such areas or utilizing rooftop antennas.

Radio Cincinnati, licensee of Station WKRC, Cincinnati, Ohio, is presently authorized to use a roof-top antenna and does not now have an alternate main transmitter or auxiliary transmitter. Radio Cincinnati points out that if it were to install such an alternate or auxiliary transmitter, it would not be permitted to use its presently authorized site for such installation. To avoid the "unjustifiable hardship" thus imposed, it recommends appropriate revision of paragraph D.

5. We believe Radio Cincinnati's comments have merit. It was not our intention to prevent the installation of rooftop auxiliary transmitters where the main transmitter is so located. We have, accordingly, revised the provision to

make this clear.

- 6. The Association of Federal Communications Consulting Engineers filed comments which approved the proposed use of 1 v/m (1000 mv/m) contour as the blanket contour. The Association. however, does not believe the 25 my/m contour should be employed as the reference contour "because of the vast difference in the 25 mv/m areas of stations operating on the high end of the band." In this connection, it points out that the higher frequency stations must locate closer to the business and industrial districts than stations on low frequencies and thus approach more closely areas of higher population density. It is the Association's recommendation that the population within the blanket area be related to the population in the interference-free service area.2
- 7. With respect to the above arguments, it is pointed out that the Asso-

<sup>2</sup> The comments of the National Broadcasting Company, Inc., were filed late, with a request to accept such late filing; that request is granted.

<sup>&</sup>lt;sup>2</sup>The Association also points out that the notice contains a Table B which indicates the value of inductivity and conductivity recommended for various types of country; that in the notice of proposed rule making in Docket 10604, the Commission proposes to eliminate Table B and all references thereto; and that the alleged conflict demonstrates the expediency of revising the standards on an over-all basis instead of the plecement manner illustrated by the subject proceeding. This contention is entirely without merit. The notice of proposed rule making pointed out that: "The substantive revisions of section 4 of the standards proposed herein relate only to the blanketing requirements and cross modulation." Table B is not concerned with blanketing or cross modu-lation and is, therefore, not involved here. It is found herein only because it is more convenient to set out the whole of section 4 than to separate out those parts dealing with blanketing or cross modulation. No conflict or inconsistency results from the fact that Table B is the subject of a separate rule making proceeding in which its replacement is proposed.

ciation's proposal to employ the interference-free contour would favor the lower frequency station to a much greater extent than our present proposal does. The following sample situation, although somewhat simplified, demonstrates this: Assume two 1 kw non-directional stations with a uniform conductivity of 10 millimos per meter, one on 600 kc and one on 1590 kc. Assuming a radiated field of 200 mv/m, the distance to the 1 v/m contour would be approximately 0.2 miles in both cases. The distance to the 25 my/m contour would be 7 miles for the low frequency station and 4.6 miles for the high. To provide the city with the same coverage, the high frequency station would, therefore, have to move 2.4 miles nearer the city than its low frequency counterpart. The low frequency station would have 2.3 times more area within its 25 mv/m contour than the high frequency one "with the probable consequent increase in the number of persons within such contour) and 8 times more area within its 0.5 mv/m contour. Accordingly, the Commission's proposal results in only about one quarter the difference between the ratios for the low and high frequency stations that obtains in the Association's proposal. A further drawback to the Association's proposal stems from the fact that since there is in most instances considerable difference between the population within the daytime and nighttime interference-free contour due to skywave limitations, there could be considerable difference between the daytime and nighttime blanket ratios. Under the Commission's proposal, however, the ratio would be constant except in the instances where different powers or radiation patterns are used day and night. Finally, it should be pointed out that the population within the 25 my/m contour can be readily determined whereas calculations of the number of persons within interference-free contours are not only relatively laborious but also are subject to more varying results. Accordingly, we conclude that use of the interference-free contour in this connection would be unappropriate.

8. National Broadcasting Company. Inc. states that it is not opposed to the instant proposal except to the extent that it fails to recognize and adequately provide reasonable protection from the increased image interference which might result from its adoption.4 NBC urges that the proposal be modified so as to

<sup>3</sup> In this connection, the recommended use of population density maps Series P-D and H-E should be noted (see section 4E of the standards herein).

retain substantially the present blanketing protection whenever a new assignment involves a frequency separation of 910 kc with an existing primary broadcast service which is a condition conducive to image interference.

9. We find no merit in this objection to the subject proposal. The Commission's standards are explicit that the phenomenon of image interference is not a condition to be considered in connection with station assignments. This is so for the reason that well designed receivers are not susceptible to such interference; that receivers of simpler design may be modified or protected by wave traps, and that the probability of the combination of factors necessary to cause image interference is so small that it does not merit consideration in this connection. This view has been repeatedly reaffirmed by the Commission in various decisions.

- 10. In view of the foregoing, we conclude that as revised with respect to auxiliary transmitters, the amendments should be adopted. Authority for the issuance of this amendment is contained in sections 303 (e) (f) (r) and 4 (i) of the Communications Act of 1934, as amended.
- 11. It is ordered, That, effective 30 days after publication in the Federal REGISTER, section 4 of the Standards of Good Engineering Practice Concerning Broadcast Stations and Part 3 of the Commission's rules governing Radio Broadcast Services are amended as set forth below.

(Sec. 4. 48 Stat. 1066, as amended; 47 U.S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 2, 1953. Released: December 7, 1953.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION, WILL P. MASSING, Acting Secretary.

1. Section 3.14 is amended as follows: Add a new paragraph (r) as follows:

- (r) Blanketing. Blanketing is that form of interference which is caused by the presence of a broadcast signal of 1 v/m or greater intensity in the area adjacent to the antenna of the transmitting station. The 1 v/m contour is referred to as the blanket contour and the area within this contour is referred to as the blanket area.
- 2. Section 3.24 is amended as follows: Redesignate subparagraph (g) as (h) and add a new subparagraph (g) as follows:
- (g) That the population within the 1 v/m contour does not exceed 1.0 percent of the population within the 25 my/m contour: Provided, however, That where the number of persons within the 1 v/m contour is 300 or less the provisions of this paragraph are not applicable.
  - 3. Add a new § 3.88 as follows:

§ 3.88 Blanketing interference. The license of each broadcast station is re-

quired to satisfy all reasonable complaints of blanketing interference within the 1 v/m contour.

4. Section 4 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations is amended to read as follows:

SECTION 4. LOCATIONS OF TRANSMITTERS OF STANDARD BROADCAST STATIONS

- A. The four primary objectives to be obtained in the selection of a site for a transmitter of a broadcast station are as follows:
- (1) To serve adequately the center of population in which the studio is located and to give maximum coverage to adjacent areas.
- (2) To cause and experience minimum interference to and from other stations.
- (3) To prevent a minimum hazard to air navigation consistent with objectives 1 and 2.
- (4) To fulfill certain other requirements given below.
- B. The site selected should meet the following conditions:
- (1) A minimum field intensity of 25 to 50 mv/m will be obtained over the business or factory areas of the city.
- (2) A minimum field intensity of 5 to 10 mv/m will be obtained over the most distant residential section.
- (3) The absorption of the signal is the minimum for any obtainable sites in the area. As a guide in this respect the absorption of the signals from other stations in that area should be followed, as well as the results of tests on other sites.
- (4) The population within the blanket contour does not exceed that specified by § 3.24 (g)
- C. In selecting a site in the center of a city it is usually necessary to place the radiating system on the top of a building. This building should be large enough to permit the installation of a satisfactory ground and/or counterpoise system. Great care must be taken to avoid selecting a building surrounded by taller buildings or where any nearby building higher than the antenna is located in the direction which it is desired to serve. Such a building will tend to cast "radio shadows" which may materially reduce the coverage of the station in that direction. Irrespective of the height of surrounding buildings, the building on which the antenna is located should not have height of approximately one-quarter wavelength. A study of antenna systems located on buildings tends to indicate that where the building is approximately a quarter wavelength in height, the efficiency of radiation may be materially reduced.

  D. Particular attention must be given
- to avoiding cross-modulation. In this connection, attention is invited to the fact that it has been found very unsatisfactory to locate broadcast stations so that high signal intensities occur in areas with overhead electric power or telephone distribution systems and sections where the wiring and plumbing are old or improperly installed. These areas are usually found in the older or poorer sections of a city. These conditions give rise to cross-modulation interference

<sup>&#</sup>x27;Image interference is a phenomenon which can occur in superheterodyne receivers in the presence of two radio signals separated in frequency by twice the inter-mediate frequency of the particular receiver. Such interference manifests itself when the receiver is tuned to one of the stations and the program of the other station is also audi-The condition giving rise to such interference occurs when the signal strength of the undesired station is considerably greater than the signal strength of the desired station and where the particular receiver has no image rejection circuits or pre-selection at radio frequency stages.

<sup>&</sup>lt;sup>5</sup>See, for example, WBUT (6 RR 260), WNOE (7 RR 284), and KGKO (8 RR 864).

due to the nonlinear conductivity characteristics of contacts between wiring, plumbing, or other conductors. This type of interference is independent of the selectivity characteristics of the receiver and normally can be eliminated only by correction of the condition causing the interference. Cross-modulation tends to increase with frequency and in some areas it has been found impossible to eliminate all sources of cross-modulation, resulting in an unsatisfactory condition for both licensee and listeners. The Commission will not authorize, (1) new stations (2) increased facilities to existing stations, or (3) auxiliary transmitters, for use with other than the authorized antenna system of the main transmitter, located in such areas or utilizing roof-top antennas, when the operating power would be in excess of 500 watts.

E. If it is determined that a site should be selected removed from the city, there are several general conditions to be followed in determining the exact site. Three maps should be given consideration if available:

- (1) Map of the density of population and number of people by sections in the area.<sup>224</sup>
- (2) Geographical contour map with contour intervals of 20 to 50 feet.
- (3) Map showing the type, nature and depth of the soil in the area with special reference to the condition of the moisture throughout the year.

From these maps a site should be selected with a minimum number of intervening hills between it and the center of the city. In general, because of ground conditions, it is better to select a site in a low area rather than on top of a hill, and the only condition under which a site on top of a hill should be selected is that it is only possible by this means to avoid a substantial number of hills, between the site and the center of a city with the resulting radio shadows. If a site is to be selected to serve a city which is on a general sloping area, it is generally better to select a site below the city than above the city.

F If a compromise must be made between probable radio shadows from intervening hills and locating the transmitter on top of a hill, it is generally better to compromise in favor of the low area, where an efficient radiating system may be installed which will more than compensate for losses due to shadows being caused by the hills, if not too numerous or too high. Several transmitters have been located on top of hills, but so far as data has been supplied not a single installation has given superior efficiency of propagation and coverage.

G. The ideal location of a broadcast transmitter is in a low area of marshy or "crawfishy" soil or area which is damp the maximum percentage of time and from which a clear view over the entire center of population may be had and the tall buildings in the business section of the city would cast a shadow across the minimum residential area.

H. The type and condition of the soil or earth immediately around a site is very important. Important, to an equal extent, is the soil or earth between the site and the principal area to be served. Sandy soil is considered the worst type, with glacial deposits and mineral-ore areas next. Alluvial, marshy areas and salt-water bogs have been found to have the least absorption of the signal. One is fortunate to have available such an area and, if not available, the next best condition must be selected.

I. Table B indicates the values of inductivity and conductivity which it is recommended be used for various types of country in the absence of surveys over the particular area involved. Naturally, values obtained from the use of these figures will be only approximate and should, if possible, be replaced by actual measurements in the area under consideration.

TABLE B

Type of terrain	Induc- tivity	Conductivity	Absorp- tion factor at 50 miles, 1,000 kc.1
Sea water, minimum	81	4.64×10 <sup>-11</sup>	1.0
attenuation. Pastoral, low hills, rich soil, typical of Dallas	20	,3×10-u	.50
Tex. Lincoln, Nebr., and Wolf Point, Mont.,			
areas.  Pastoral, low hills, rich soil, typical of Ohio	14	10-13	.17
and Illinois. Flat country, marshy,	12	-7.5×10 <sup>-14</sup>	.13
densely wooded, typ- ical of Louisiana near Mississippi River.			
Pastoral, medium hills, and forestation, typi- cal of Maryland.	13	6×10-14	.09
Pennsylvania, New York, exclusive of			
mountainous terri- tory and sea coasts. Pastoral, medium hills,	13	4×10-14	.05
and forestation, heavy clay soil, typi- cal of central Virginia.			
Rocky soil, steep hills, typical of New Eng-	14	2×10-14	.025
land. Sandy, dry, flat, typical of coastal country.	10	2×10-14	.024
City, industrial areas, average attenuation.	5	10-14	.011
City, industrial areas, maximum attenua-	3	10-15	.003
tion.	1	i	ı

<sup>1</sup> This figure is stated for comparison purposes in order to indicate at a glance which values of conductivity and inductivity represent the higher absorption. This figure is the ratio between field intensity obtained with the soil constants given and with no absorption.

J. In general, broadcast transmitters operating with approximately the same power can be grouped in the same approximate area and thereby reduce the interference between them. If the city is of irregular shape, it is often possible to take advantage of this in selecting a suitable location that will give a maximum coverage. The maps giving the density of population will be a key to The map giving the elevation by contours will be a key to the obstructing hills between the site and city. The map of the soil conditions will assist in determining the efficiency of the radiating system that may be erected and the absorption of the signal encountered in the surrounding area.

K. Another factor to be considered is the relation of the site to airports and airways. Procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses are contained in Part 17 of the Commission rules (Rules Concerning the Construction, Marking and Lighting of Antenna Structures)

L. In finally selecting the site, consideration must be given to the required space for erecting an efficient radiating system, including the ground or counterpose. It is the general practice to use direct grounds consisting of a radial buried wire system. If the area is such that it is not possible to get such ground system in soil that remains moist throughout the year, it probably will be found better to erect a counterpoise. (Such a site should be selected only as a last resort.) It, like the antenna itself, must of course be designed properly for the operating frequency and other local conditions.

M. While an experienced engineer can

sometimes select a satisfactory site for a 100-watt station by inspection, it is necessary for a higher power station to make a field-intensity survey to determine that the site selected will be entirely satisfactory. There are several facts that cannot be determined by inspection that make a survey very desirable for all locations removed from the city. Often two or more sites may be selected that appear to be of equal promise. It is only by means of field-intensity surveys taken with a transmitter at the different sites or from measurements on the signal of nearby stations traversing the terrain involved that the most desirable site can be determined. There are many factors regarding site efficiency that cannot be determined by any other method. When making the final selection of a site, the need for a fieldintensity survey to establish the exact conditions cannot be stressed too strongly. The selection of a proper site for a broadcast station is an important engineering problem and can only be done properly by experienced radio engineers.

[F. R. Doc. 53-10318; Filed, Dec. 10, 1953; 8:48 a. m.]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

OPERATING CONTROLS FOR RADIO-TELEGRAPH INSTALLATIONS ON CERTAIN SHIPS

In the matter of amendment of Subpart U of Part 8 of the Commission's rules regarding operating controls for radiotelegraph installations on board ships subject to the radio provisions of the International Convention for the Safety of Life at Sea, London, 1948.

At a session or the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of December 1953;

The Commission having under consideration the matter of implementation of the radio provisions of the International Convention for the Safety of Life at Sea, London, 1948; and Subpart U of Part 8 of its rules which contains rules and reg-

<sup>&</sup>lt;sup>21a</sup> See Bureau of Census series P-D and H-E available from Superintendent of Documents, Washington 25, D. C.

ulations designed to guide persons in complying with these provisions; and

It appearing, that Chapter IV, Regulation 10, subparagraph (q) of the Safety Convention contains a requirement which became effective November 19, 1953, that radiotelegraph installations "be provided with a device permitting changeover from transmission to reception and vice versa without manual switching" and

It further appearing, that for the purpose of completing Subpart U, the above referred to requirement should be added to the present provisions of Subpart U;

It further appearing, that compliance with the provisions of section 4 of the Administrative Procedure Act, is unnecessary since the rule amendment herein ordered finalized does no more than reflect the Safety Convention requirement:

It is ordered, That, effective immediately, and pursuant to sections 303 (r) and 359 of the Communications Act of 1934, as amended, and Chapter IV, Regulation 10, of the International Convention for the Safety of Life at Sea, London, 1948, Part 8 of the Commission's rules is amended by redesignating § 8.712 as § 8.713 and by inserting a new § 8.712 to read as follows:

§ 8.712 Operating controls. The radiotelegraph installation shall be provided with a device permitting changeover from transmission to reception and vice versa without manual switching,

(Sec. 303, 48 Stat. 1032, as amended, sec. 353, 50 Stat. 195: 47 U.S. C. 303, 359)

Released: December 4, 1953.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION, WM. P. MASSING. Acting Secretary.

[F. R. Doc. 53-10332; Filed, Dec. 10, 1953; 8:51 s. m.)

# PROPOSED RULE MAKING

#### DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

I 7 CFR Part 997 I

[Docket No. AO 205-A1]

HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

NOTICE OF RECOMMENDED DECISION AND OP-PORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 53-9964. appearing at page 7556 of the issue for Thursday, November 26, 1953, the following changes should be made:

1. In the middle column of page 7559 the 21st line of (i) should read "each of the candidates by an appreciable'

- 2. In the third column of page 7560. the reference in the sixth line of the second paragraph should read "13 F. R. 4623"
- 3. In § 997.32 (page 7565) the last sentence of paragraph (a) should be designated paragraph (b) so that such paragraph (b) shall read as follows:
- (b) Nominations on behalf of growers who market their filberts through other than cooperative handlers shall be submitted after ballot by such growers conducted as follows: Names of the grower candidates to accompany the ballot shall be submitted to the control board prior to February 10 of each fiscal year on petitions signed by not less than ten growers who market their filberts through other than cooperative handlers and who are of record with the control board; each grower may sign only as many petitions as there are persons to be nominated as members of the control board; ballots accompanied by the list of candidates submitted by petitions, together with instructions, shall be mailed to all growers who market their filberts through other than cooperative handlers and who are of record with the control board; the qualified person receiving the highest number of votes for the position for which his name was placed on the ballot shall be the nominee for that position, except that, in case of a tie, the names of the tied candidates shall be submitted. If the Secretary determines that this procedure is unsatisfactory to

the growers who market their filberts through other than cooperative handlers, because it is too difficult or costly to administer, it does not result in the name of a sufficient number of qualified candidates being submitted with the ballot, or it should be changed for other reasons, he may change this procedure through the formulation and issuance of superseding regulations.

4. In the proviso at the end of paragraph (c) of § 997.50 "504" should read

#### DEPARTMENT OF LABOR

Wage and Hour Division I 29 CFR Parts 655, 703 I

[Administrative Order 433]

PUERTO RICO; SPECIAL INDUSTRY COMMITTE NO. 15

APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES FOR CERTAIN INDUSTRIES

1. Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended 29 U. S. C., and Sup., 201 et seq.) I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for Puerto Rico composed of the following representatives:

For the public: A. Cecll Snyder, San Juan, P. R., chairman; Joan Borden Colt, Providence, R. I., Pedro Munoz-Amato, Rio Piedras, P. R.

For the employers: Sam Schweitzer, Mayaguez, P. R., A. C. Bob Reuter, Mayaguez, P. R., George Marlin, New York, N. Y.

For the employees: David Dublinsky, New York, N. Y., Gladys Dickason, New York, N. Y., Hipolito Marcano, San Juan, P. R.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and the regulations promulgated thereunder (29 CFR Part 511) shall meet beginning on January 11, 1954, at 10:00 a.m. in Room 412, New York Department Store Building, Stop 161/2. Ponce de Leon Avenue, Santurce, Puerto Rico, and shall proceed to investigate conditions in the industries in Puerto Rico hereinafter enumerated and recommend to the Administrator minimum wage rates for all employees in said industries in Puerto Rico, who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14. Minimum wage rates recommended by the committee shall be the highest rates (not in excess of 75 cents per hour) which it determines will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

Said special industry committee shall investigate conditions respecting, and recommend minimum wage rates for, the employees in the following industries in Puerto Rico: The needlework and fabricated textile products industry. the corsets, brassieres and allied garments industry; and the men's and boys' clothing and related products industry.

3. For the purpose of this order these

industries are defined as follows:
Needlework and fabricated textile products industry. The manufacture from any material of all apparel and apparel furnishings and accessories made by the knitting, crocheting, cut-ting, sewing, embroidering, or other processes; the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: Provided, however That the definition shall not cover products or activities included in the corsets, brassieres and allied garments industry, as defined herein, nor products or activities mcluded in the following industries in Puerto Rico as defined in the wage orders for such industries: The artificial flower industry, the button, buckle, and jewelry industry, the hairnet industry, the handicraft products industry, the hosiery industry, the hooked rug industry, the men's and boys' clothing and related products industry, the shoe manufacturing and allied industries, the textile and textile products industry. This defini-tion includes, but without limitation, handkerchiefs, scarves and mufflers; gloves; women's, misses' girls' and infants' outerwear, underwear, and nightwear; handbags (except handbags made by hand out of raffia, maguey, straw or similar materials) household art linens; needlepoint; embroideries and trimmings; curtains, draperies, and bedspreads; and miscellaneous fabricated textile products.

Corsets, brassieres, and allied garments industry. The manufacture of corsets, brassieres, brassiere pads, girdles, sanitary belts, foundation garments, and similar items.

Men's and boys' clothing and related The manufacture products industry. from any material of men's and boys' clothing and related products, including, but without limitation, suits, coats, overcoats, trousers, shirts, underwear, nightwear, work clothing, sports wear (including bathing suits, riding habits and athletic uniforms) heavy outerwear, neckties, caps, hats (except hand-made straw hats) belts (except leather belts) robes and dressing gowns, raincoats, suspenders, garters, academic caps and gowns, vestments, costumes, and other items of apparel and accessories (except gloves, handkerchiefs, scarves and mufflers, hosiery and shoes)

Signed at Washington, D. C., this 8th day of December 1953.

> WM. R. McComb. Administrator Wage and Hour Division.

[F. R. Doc. 53-10343; Filed, Dec. 10, 1953; 8:54 a. m.]

# FEDERAL COMMUNICATIONS COMMISSION

I 47 CFR Part 2 I

[Docket No. 10797]

FREQUENCY ALLOCATIONS

NON-GOVERNMENT FIXED AND MOBILE SERVICES

In the matter of amendment of Part 2 of the Commission's rules and regulations regarding frequency allocations above 890 Mc to the non-Government Fixed and Mobile services; Docket No. 10797.

Notice is hereby given of proposed rule making in the above entitled matter.

The proposed amendments are issued as the result of the Commission's study of current frequency allocation problems above 890 Mc and are considered to be responsive to the following problems:

(a) Requirement for additional exclusive spectrum space for TV pickup operations.

(b) Requirment for exclusive spectrum space for common carrier mobile functions, including additional broad-cast and "closed circuit" TV pickup service, and for public mobile radiotelephone service including land mobile, maritime mobile and aeronautical mobile public correspondence.

(c) Requirement for exclusive microwave spectrum space for Safety and Special Radio Services mobile functions.

(d) Requirement for additional exclusive broadcast STL frequencies, including AM STL, FM STL and TV STL (sound only)

(e) Requirement for additional common carrier fixed service spectrum space below 3700 Mc.

(f) Requirement for exclusive, as compared to shared, allocations for the nonGovernment fixed services now operating in the vicinity of 900 Mc.

In proposing these allocation changes, the Commission has given due consideration to the development of the various services, both as to operating techniques. and equipment, as well as to pending petitions now before the Commission requesting reallocations in the microwave fixed bands, and is of the opinion that these proposed adjustments will be in the public interest.

The conclusion of this proceeding will terminate consideration of the reallocation petitions filed by the Federal Telecommunications Laboratories on August 15, 1950; by the Peninsular Telephone Company on October 25, 1950; and by the Lenkurt Electric Company, Inc., on June 5, 1953. It may be noted that the proposed reallocation, if adopted, would constitute a denial of the petitions of the Federal Telecommunications Laboratories and the Peninsular Telephone Company and would grant the petition of the Lenkurt Electric Company, Inc.

If the proposal is adopted, it is intended to make the new allocations effective on May 1, 1954, for new stations. Those licenses which expire prior to May 1, 1955, may, upon appropriate application, be extended to May 1, 1955. Stations in these bands which may have license expiration dates later than May 1, 1955, will not be authorized to operate on frequencies which are not in accordance with the new allocation.

The proposed amendments to the rules are set forth below and are issued pursuant to the authority of sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein. may file with the Commission on or before February 15, 1954, a written statement or brief setting forth his comments. Persons favoring such proposal may also file comments. Replies to such comments may be filed within ten days from the last date for filing the original comments. The Commission will consider all comments and briefs presented before taking final action in the matter.

In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: December 2, 1953.

Released: December 4, 1953.

FEDERAL COMMUNICATIONS COMMISSION. WM. P. MASSING, [SEAL]

Acting Secretary. a. Proposed amendments to § 2.1.

1. Add the definition:

Standard broadcast (FXS) A fixed station utilizing telephony to transmit from a studio of a standard broadcast station to the transmitter of that broadcast station, programs to be broadcast by that station.

2. Delete the definition of mobile except television pickup station (MOZ)

3. Add the definition:

Common carrier mobile station (MOC) A mobile station open to public correspondence.

4. Add the definition:

Common carrier land station (FLC). A land station open to public correspondence.

b. Proposed amendments to § 2.101.

1. Add the following symbols and terms to the list of stations:

FXS-Standard Broadcast STL Station. MOC-Common Carrier Mobile Station. FLC-Common Carrier Land Station.

2. Delete the symbol and term, "MOZ-Mobile (except television pickup) station."

c. Proposed amendment to § 2.104 (a)

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Band (mc)	Service 8	Class of station	Fre- quency (mc)	Naturo of SERVICES
890-936 (NG1) 936-950(NG1)	Fixed	(a) Common carrier fixed(b) International control. (a) Standard Broadcast STL(b) FM Broadcast STL. (c) Television STL (sound only) (NG14) (NG24) (NG24)	915	Industrial scientific and modica oquipment.
950-960	Fixed	Operational fixed		
(NG1) 3500-3600(NG1)	Mobile	(a) Land(b) Mobile.	*********	Aviation, Industrial, Land Transportation, Marino, Pub- lic Safety.
3600-3700	Mobile	(a) Common carrier land		
(NG1) 6425-6500 (NG1) 6500-6575 (NG1)	Mobile	(b) Common carrier mobile. (a) Common carrier land (b) Common carrier mobile. (a) Land (b) Mobile.		Aviation, Industrial, Land Transportation, Mariuo, Pub- lic Safety.
6875-7125 (NG1) 11,700-11,950	(a) Fixed (b) Mobile Mobile	(a) Television pickup(b) Television STL (NG16). (a) Common carrier land		no shoey.
(NG1) 11,950-12,200 (NG1)	Mobile	(b) Common carrier mobile. (a) Land	46444544	Aviation, Industrial, Land Transportation, Marino, Pub- llo Safoty.

NG13—Delete.
NG14—Interim FM relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations..
NG15—Delete.
NG34—Television inter-city relay stations may be authorized to use frequencies in this band, for audio purposes only, on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

#### I 47 CFR Parts 2, 10, 11, 16, 18 1

[Docket No. 10798]

APPLICATION AND LICENSING PROCEDURE EQUIPMENT ACCEPTABLE FOR LICENSING; WITHDRAWAL OF CERTIFICATE OF TYPE APPROVAL

In the matter of amendment of Part 2 of the Commission's rules to establish a program for the certification of equipment acceptable for licensing. Amendment of Parts 10, 11 and 16 of the Commission's rules to require type acceptance of equipment. Amendment of \$18.16 of the Commission's rules to clarify the procedure for withdrawal of type approval; Docket No. 10798.

 Notice is hereby given of proposed rule making in the above entitled matters.

- 2. The Commission has recently adopted a new application and licensing procedure involving the use of Form 400 in the non-common carrier land mobile services; i. e., the services covered by Part 10—Public Safety Radio Services, Part 11—Industrial Radio Services, and Part 16-Land Transportation Radio This new procedure requires Services. reference to a List of Equipment Acceptable for Licensing. Due to the exigency of the situation it was necessary to issue a list prior to the promulgation of a formal procedure for obtaining a listing. The proposed rules are intended to fill this need by establishing a procedure to be followed by manufacturers or other persons desiring to have equipment certified by the Commission as acceptable for licensing.
- 3. These rules also collect in one place the various procedures dealing with type approval of equipment which involves the actual testing of equipment by the Commission. These procedures cover ship radiotelegraph equipment required for safety purposes, diathermy and industrial heating equipment and Citizens Radio Equipment. In addition the proposed rules contain an amendment to § 18.16 of the Commission's rules relating to the withdrawal of type approval for medical diathermy equipment and miscellaneous equipment in order to conform that section to the proposed general provisions respecting type approval m Part 2.
- 4. The proposed rules are issued under authority of sections 303 (e) (f) and (r) of the Communications Act of 1934, as amended.
- 5. Any interested person who is of the opinion that the proposed rules should not be adopted, or should not be adopted - in the form set forth, may file with the Commission on or before February 1, 1954, a written statement or brief setting forth his comments. At the same time any person who favors the proposed rules may file a statement or brief in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within ten days from the last date of filing of said original comments or briefs. The Commission will consider all such comments, briefs and statements before taking final action and, if any comments appear to warrant the holding of a hearing or oral argument, notice

of the time and place thereof will be

6. In accordance with § 1.784 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: December 2, 1953. Released: December 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

1. Add Subpart F to Part 2, as follows: Subpart F—equipment type approval and type acceptance for licensing

§ 2.501 Program defined. In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, it is necessary for the Commission to ascertain that the equipment proposed by various applicants is capable of meeting the technical operating standards set forth in said statutes, treaties and the Commission's rules and regulations. To facilitate such determinations in those services where equipment is generally standardized, to promote the improvement of equipment and to promote the efficient use of the radio spectrum the Commission has designed two specific procedures for securing advance approval of transmitting equipment in such services as a prerequisite for securing station licenses. These procedures are designated as type approval and type acceptance. In general, type approval contemplates tests conducted by Commission personnel, while type acceptance is based on data concerning the equipment submitted by the manufacturer. The procedures described in the sections that follow are intended to apply to equipment in those services which specifically require either type approval or type acceptance. These procedures may also be applied to equipment components, such as power amplifiers, etc., but only to the extent specified in the rules of the particular service in which such components will be used.

§ 2.510 Type approval. (a) Type approval is normally based on tests performed at the Commission's laboratory at Laurel, Maryland. In certain cases, type approval may be based on tests performed at other locations provided the tests are conducted in accordance with procedures specified by the Commission and under the direction and supervision of Commission personnel.

(b) Application for type approval may be in the form of a letter addressed to the Commission. The letter shall specify the part of the rules under which type approval is desired and shall include any information specifically required to be submitted under such part of the rules. In addition the request shall describe the equipment to be tested and include the size and weight of each component. On receipt of a reply from the Commission the applicant shall ship the equipment prepaid to Chief, Laboratory Division, P. O. Box 31, Laurel, Md., complete with operating instructions and circuit diagrams. Upon completion of the tests,

the equipment will be returned to the applicant, shipping charges collect.

(c) In the event of failure of the equipment to meet the Commission's technical requirements, notice may be given directly by the Chief, Laboratory Division, and arrangements made for modification or adjustment as required.

§ 2.511 Limitations on type approval.

(a) Type approval is limited to a determination that, if the equipment is properly maintained and operated and no unauthorized change whatsoever is made in its construction, it is capable of complying with the technical requirements of the applicable part of the rules. Type approval shall not be construed as a determination with respect to features not covered by the rules of the service under which the equipment is approved.

(b) Type approval shall not be construed to mean that the equipment will continue to be satisfactory as the Commission's technical standards may be changed to conform with progress in the state of the art.

§ 2.512 Withdrawal of type approval.

(a) Type approval may be withdrawn, if upon subsequent inspection or operation it is determined that unauthorized changes have been made in the equipment or that it does not comply with the technical requirements of the applicable part of the rules. The procedure for withdrawal of type approval in such cases shall be the same as that prescribed by the Commission for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(b) In the event changes in the Commission's technical standards necessitate the withdrawal of type approval, the procedure to be followed will be set forth in the order finalizing the revised technical standards after appropriate rule making proceedings.

(c) When type approval has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type approval requirements of the Commission.

(d) When type approval has been withdrawn for unauthorized changes or failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new type approval.

§ 2.520 Type acceptance. (a) Acceptance of equipment for licensing is based on representations and test data submitted by the manufacturer.

(b) A separate request for type acceptance shall be submitted for each different type of equipment. Each request shall be in triplicate, signed by the applicant or by a duly authorized representative who shall certify that the application was prepared by him or at his direction and that to the best of his knowledge and belief the facts set forth in the application and accompanying teclinical data are true and correct. The technical test data required to be submitted shall be certified by the engineer who performed or supervised the

tests who shall attach a brief statement of his qualifications.

§ 2.521 Limitations on type acceptance. (a) Type acceptance is limited to a finding that, insofar as can be determined from the data submitted, and if the equipment is properly maintained and operated and no unauthorized change whatsoever is made in its construction, the equipment complies with current technical standards of the service in which the equipment will be operated. The fact that a particular equipment has been type accepted for licensing purposes shall not be construed as a determination with respect to mechanical features nor of reliability under service conditions not covered by the rules of the service under which the equipment is accepted.

(b) Type acceptance shall not be construed to mean that the equipment will continue to be satisfactory as the Commission's technical standards may be changed to conform with progress in

the state of the art.

- § 2.522 Withdrawal of type acceptance. (a) Type acceptance may be withdrawn, if upon subsequent inspection or operation it is determined that unauthorized changes have been made in the equipment or that it does not comply with the technical requirements of the applicable part of the rules. The procedure for withdrawal of type acceptance in such cases shall be the same as that prescribed by the Commission. for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.
- (b) In the event changes in the Commission's technical standards necessitate the withdrawal of type acceptance, the procedure to be followed will be set forth in the order finalizing the revised technical standards after appropriate rule making proceedings.

(c) When type acceptance has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type acceptance require-

ments of the Commission.

(d) When type acceptance has been withdrawn for unauthorized changes or failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new type acceptance.

§ 2.523 Information required for type acceptance. (a) Each request for type acceptance of equipment shall include the information listed in paragraph (b) of this section. This information is general and is the minimum required for all equipments. In many cases, additional information specific to a particular service is also required. The applicant should carefully read the rules of the service in which the proposed equipment is intended to be operated to make sure that such additional specific information is furnished. If deemed necessary, the Commission may require additional information, test data, or testing in its own laboratory at Laurel, Maryland, before determining the acceptability of any specific equipment.

- (b) The request shall include the following information:
- (1) The type number of the equipment. Note: See § 2.540 regarding the assignment of type numbers.
- (2) The service and rule part under which the equipment is intended to be operated.
- (3) A complete description of the equipment including a listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube. The description should be sufficiently complete to develop all factors that may affect a determination as to whether the equipment will comply with the technical standards of the applicable rule part.

(4) The type of emission for which the equipment is designed. Include a description of the modulator and the modulation limiting circuit, if incor-

porated.

(5) A curve, or equivalent data, showing the limiting action of the modulation limiting circuit, if incorporated.

(6) A curve, or other equivalent data, showing the frequency characteristic of the audio modulating circuit between 100 and 5,000 cycles, in voice modulated communications equipment.

(7) A curve, or equivalent data, showing the band occupied by the emitted signal (see subparagraph (1)) of this

paragraph)

(8) A description of the circuits incorporated to provide suppression of harmonic and spurious radiation.

- (9) Curves, or equivalent data, showing the magnitude of each spurious or harmonic radiation that can be detected when the equipment is omitting:
  - (i) An unmodulated carrier;
- (ii) A modulated carrier (see subparagraph (11) of this paragraph)

Spurious radiation should be checked at the equipment terminals when properly loaded with a suitable artificial antenna (lossy line method) The spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the tenth harmonic of the carrier frequency or to the highest frequency possible in the present state of the art of measuring techniques. Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Spurious signals attenuated more than 20 db below the required attenuation need not be shown separately.

(10) A report of field intensity measurements made to detect spurious signals that may be radiated directly from the cabinet, control circuits, power leads or intermediate circuit elements for the following equipments:

(i) Equipment in which more than a minimum of 60 db of spurious attenuation must be provided.

(ii) All equipment operating on frequencies higher than 25 Mc.

(iii) Hand carried transmitters, or others, where the antenna is an integral part of and attached directly to the transmitter.

Field intensity measurements of spurious emissions for other types of equipment may be required, when in the opinion of the Commission, there is a need for such measurement.

(11) The test data required by subparagraphs (7) and (9) of this paragraph should be measured for the following conditions, as applicable:

(i) Telegraph transmitters for manual operation, when keyed at 40 words per minute.

(ii) Other telegraph transmitters, when keyed at the maximum machine speed.

(iii) Voice modulated transmitters required to be equipped with a modulation limiting circuit when modulated by an input signal 10 db greater than that required to produce 100 percent modulation: Test 1 at 500 cycles; test 2 at 2,500 cycles; test 3 with voice or equivalent.
(iv) Voice modulated transmitter

transmitter without limiters when modulated by an input signal large enough to produce at least 85 percent modulation: Test 1 at 500 cycles; test 2 at 2,500 cycles; test 3 with voice or equivalent.

(v) Broadcast transmitters. modulated under the conditions pre-

scribed in Part 3 of this chapter.

(vi) Transmitters designed for other types of modulation when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal used should be supplied.

(12) A description of the oscillator circuit together with any devices installed for the purpose of frequency stabiliza-

tion.

(13) Measured data to show the frequency stability of the transmitter with variation of temperature and with variation of primary supply voltage:

(i) Vary temperature from -30° C. to 50° C. for non-broadcast equipment. Use other suitable limits for other types of equipment, such as broadcast.

(ii) Vary primary supply voltage from 85 percent to 115 percent of the normal supply voltage at the input to the cable normally provided with the equipment. or at the power supply terminals if cables are not normally provided.

(14) Frequency range of the equip-

ment.

- (15) Measured data to show the r. f. carrier power at the equipment terminals for the circuit constants specified in the general description of the equipment. Specify how the equipment was loaded when the power output was measured.
- (16) A description of each measurement procedure together with a listing of the actual test equipment used and a block diagram showing the test setup.
- (17) A complete circuit diagram, wiring diagram, instruction book and photographs showing the general construction and layout of the equipment.
- § 2.530 Submission of technical data for application reference. (a) In certain services, neither type approval nor acceptance for licensing is required. However, applications for station authorizations in such services require a detailed technical description of the

equipment proposed to be used. In order to simplify the handling of applications and to facilitate the filing of applications by eliminating the need for individual submission of equipment specifications the Commission will accept for application reference purposes detailed technical specifications of equipment proposed to be used in these services. Persons desiring to avail themselves of this privilege, may submit the data described below in triplicate. Applications for station authorizations submitted subsequent to such filing may refer to the technical data so filed.

(b) In order for the applicant to refer to technical data on file, the submission referred to above should contain the fol-

lowing information:

(1) The type number of the equipment.

(2) The service under which the

equipment is to operate.

- (3) A complete description of the equipment including a listing of all tubes used, function of each, oscillator frequency, multiplication in each stage, plate current and voltage applied to each tube, etc.
- (4) Type of emission for which equipment is designed.
- (5) Description of the modulator, including modulation limiting circuit if incorporated.
- (6) Bandwidth occupied by the emis-
- (7) Frequency range of the equipment.
- (8) A description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization
- (9) Statement of the frequency stability of the equipment including the temperature range over which the frequency stability is guaranteed.

(10) The rated r. f. carrier power.

- (11) A description of the circuits incorporated to provide suppression of harmonic and spurious radiation. State the amount of such suppression incorporated in db below the level of the unmodulated carrier, or other stated reference level if a carrier is not employed.
- (12) Describe the power supply intended to be used.
- (13) Attach circuit diagram, wiring diagram, instruction book. If available also attach photographs showing the general construction and layout of the equipment.
- (c) Receipt by the Commission of data for application reference purposes does not imply that the Commission has made or intends to make any finding regarding the acceptability of the equipment for licensing. Each applicant is expected to exercise appropriate care in the selection of equipment to insure that the unit selected will comply with the rules governing the service in which it is proposed to operate.
- § 2.540 Identification and changes in equipment: (a) Each equipment for which type approval or type acceptance is requested shall be identified by a distinctive type number. All equipment sold or used pursuant to type approval or type acceptance must have affixed to it such indication of type approval or type

acceptance as may be specified by the service rules governing such equipment.

(b) No change whatsoever may be made in type approved equipment without prior authorization from the Commission. When a change is authorized, the Commission may require the manufacturer to identify the modified equipment with a new type number and to reapply for type approval.

Note: See  $\S$  2.512 regarding withdrawal of type approval.

(c) Changes in type accepted equipment may be made without prior authorization provided the change does not adversely affect the test data filed with the Commission and on which type acceptance was based. If the change will adversely affect the test data on file with the Commission prior authorization must be obtained before the change may be made; and the Commission may require the manufacturer to identify the modified equipment with a new type number and to reapply for type acceptance.

Nore: See § 2.522 regarding the withdrawal of type acceptance.

- (d) If the manufacturer provides a modification kit for installation in the field, such kit shall contain a name plate bearing the new type number if a new type number has been required by the Commission.
- (e) Licensees proposing to modify their own equipment shall follow the procedure of paragraph (b) or paragraph (c) of this section as applicable.
- § 2.541 Radio equipment list. From time to time the Commission will publish lists of type approved and type accepted equipment. Such lists will include all equipment (except for custom built and composite transmitters) which has been type approved and type accepted by the Commission, as well as the services and frequencies for which it may be used and the power, emission and other limitations on the use of each type of equipment. These lists are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.
- § 2.542 Limitation on availability of equipment files for public reference. (a) Information about equipment submitted by manufacturers and other persons pursuant to this subpart will not be open to the public until such time as the equipment has been included on the appropriate radio equipment list, except that information about equipment filed for application reference purposes will be available for inspection.
- (b) The Commission will comply with a manufacturer's request temporarily to withhold the release of data concerning new types of equipment. Such data will not be made public prior to the date on which the equipment is included on the appropriate radio equipment list.
- § 2.543 Making available type approved or type accepted equipment for testing or inspection. Any manufacturer of equipment which has been type-approved or type accepted by the Commission shall immediately, upon request by the Commission, make available to the

Commission production models of said type approved or type accepted equipment in order that the equipment may be tested or inspected either at the place of manufacture or at the Commission's laboratory at Laurel, Maryland. Failure to comply immediately with any such request by the Commission shall be considered grounds for revoking type approval or type acceptance.

2. Add new §§ 10.110, 11.110, 16.110 to read as follows:

Acceptability of transmitters for licensing. (a) Except for transmitters used at developmental stations, each transmitter utilized by a station authorized for operation under this part after January 1, 1955, and all transmitters in ceptable to the Commission under one or more of the following conditions:

(1) The transmitter may be type accepted by the Commission as being capable of meeting the technical standards set forth in Subpart C of this part for the type of operation specified in the station's instrument of authorization and included on its "List of Equipment Acceptable for Licensing" pursuant to paragraph (c) of this section.

(2) The transmitter may be type accepted by the Commission as being capable of meeting the technical standards set forth in Subpart C of this part for the type of operation specified in the station's instrument of authorization but not included on its "List of Equipment Acceptable for Licensing" pursuant to paragraph (d) of this section.

(3) A transmitter which is not included on the Commission's "List of Equipment Acceptable for Licensing" but is described on a station authorization by manufacturer and type number (in the case of a composite transmitter by type number only) and is in use prior to January 1, 1955, may continue to be used by the licensee, his successors or assigns in business until January 1, 1960, provided such transmitter does not cause harmful interference due to failure to comply with the technical standards in this part.

(b) Where a transmitter is used under a developmental authorization, it is merely necessary to submit the technical specifications of the equipment together with such additional information as the Commission may require. Greater detail regarding this type of submission is contained in Part 2 of this chapter.

(c) Any manufacturer of a transmitter to be built in quantity for use in this service may request "Type Acceptance" for such transmitter following the type acceptance procedure set forth in Part 2 of this chapter. From time to time, the Commission will publish a list of such Type Accepted transmitters entitled "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing." Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(d) Type acceptance may be requested by the prospective station licensee, as part of his application for a station authorization for custom pullt

or composite transmitters, by following the type acceptance procedure set forth in Part 2 of this chapter. However, such transmitters will not normally be included on the Commission's "List of Equipment Acceptable for Licensing" but will be individually enumerated on the document authorizing the operation of such transmitters.

- (e) Type acceptance is limited to a finding that insofar as can be determined from the data submitted, and if the equipment is properly maintained and operated and no unauthorized change whatsoever is made in its construction, the equipment complies with current technical standards of these services to the extent specified in the "List of Equipment Acceptable for Licensing" or in the station's instrument of authorization. Type acceptance shall not be construed as a finding with respect to mechanical features nor of reliability under service conditions not covered by this part, nor shall type acceptance be construed to mean that the equipment will continue to be satisfactory as the technical standards in this part may be changed to conform with progress in the state of the art.
- (f) In the event the Commission finds it necessary to withdraw type acceptance for a particular equipment, because of unauthorized changes by the manufacturer or for other justifiable reasons, steps to be taken by licensees using such equipment will be set out in the order withdrawing type acceptance:
- (g) Licensees proposing to modify existing equipment must receive prior authorization from the Commission if the proposed change will adversely affect the test data on file with the Commission and on which type acceptance was based. The licensee may be required to assign a new type number that will identify the modified equipment, install new name plates bearing such new type number and reapply for type acceptance. Authorization is not required by each individual licensee where the change consists of the installation of a modification kit approved by the Commission. which is being furnished by the manufacturer for installation in the field.
- (h) Type acceptance is valid only when the transmitter is operated within the power, emission and other limitations as set forth in the Commission's "List of Equipment Acceptable for Licensing," for the particular equipment.
- 3. Add new paragraph (c) regarding power tolerance to §§ 10.106, 11.106, 16.106:
- (c) The plate input to the final r. f. stage under actual operating conditions shall not exceed by more than 10 percent the plate power input shown in the Radio Equipment List, Part C, for Transmitter included in this list, or the plate power input shown on the authorization for all other transmitters.
  - 4. Amend § 18.16 to read as follows:

§ 18.16 Withdrawal of certificate of type approval. (a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual con-

ditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved or if any change whatsoever is made in the construction of equipment sold under the Certificate of Type Approval issued by the Commission, without the specific approval of the Commission.

(b) The procedure for withdrawal of a Certificate of Type Approval shall be the same as that prescribed for withdrawal of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a Certificate of Type Approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a Certificate of Type Approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new Certificate of Type Approval.

[F. R. Doc. 53-10321; Filed, Dec. 10, 1953;

#### [ 47 CFR Part 4 ]

TELEVISION AUXILIARY BROADCAST STATIONS

NOTICE OF FURTHER PROPOSED RULE MAKING

In the matter of amendment of Part 4 of the Commission's rules and regulations governing television auxiliary broadcast stations; Docket No. 10345.

- 1. Notice is hereby given of further proposed rule making in the above-entitled matter.
- 2. On November 12, 1952, the Commission adopted a notice of proposed rule making proposing certain changes in the rules governing television auxiliary broadcast stations in order to provide channels for the operation of television pickup, television STL, and television intercity relay stations by licensees of television broadcast stations assigned channels in the UHF television broadcast band. It was proposed to provide a minimum of ten channels in the 1990-2110 Mc and the 6875-7125 Mc bands by reducing the channel widths from 17 to 12 Mc and from 25 to 19 Mc, respectively, in these bands. The notice also proposed to require the use of cross-polarization on adjacent auxiliary channels and added two new sections to the rules to provide for special temporary authorizations and require station identification.
- 3. Comments were received from the National Association of Radio and Television Broadcasters, Motorola, Inc., American Telephone and Telegraph Company, A. Earl Cullum, Jr., United States Independent Telephone Association, National Broadcasting Company, Inc., WSM, Inc., The Chronicle Publishing Company, American Broadcasting Company, Inc. (now American Broadcasting-Paramount Theatres, Inc.), WBEN, Inc., Raytheon Manufacturing Company, and Federal Telecommunication Laboratories, Inc.

4. The above comments represent a cross-section of the television broadcast industry and were almost unanimous in opposing a reduction in the channel widths at this time. Most such com-ments were directed toward the instability of present equipment, degradation of the transmitted intelligence with reduced frequency swing due to less favorable signal-to-noise ratios, adjacent channel interference, and impossibility of multiplexing visual and aural signals within the narrower channels. comments opposing reduction of channel widths appear to have considerable merit and further examination of the proposal to reduce channel widths has been made. It is concluded that such reduction should not be made at this time.

5. It has become increasingly clear in these proceedings that it is undesirable to retain television auxiliary channels on an apportioned basis as is the case in the existing rules. Although such a plan reduces the administrative burden to a minimum it creates wholly undesirable situations with respect to best utilization of the microwave channels. Under such a plan the only two television stations in a particular city might be required to operate their studio-transmitter links on adjacent channels, with the attendant interference problems, while the remaining microwave channels remained unused. Upon reconsideration, and on the basis of the comments received, it now appears more desirable to place the assignment of television auxiliary channels on a case-to-case basis. This will place an additional administrative burden on the Commission but will result in greater flexibility for the broadcast user and will permit better service on their part.

6. In order to do this and maintain present channel widths it appears desirable to make the entire spectrum allocated for television pickup and television STL purposes, available for assignment to television broadcast licensees. In its Report and Order in Docket No. 9363, adopted October 5, 1950, which established the present rules governing television auxiliary broadcast stations the Commission listed only seven of the ten 25 megacycle channels allocated in the 6875-7125 Mc band and thirteen of the twenty 25 megacycle channels allocated in the 12700-13200 Mc band for assignment to television broadcast licensees. In so doing, the Commission stated:

This plan leaves 3 channels in the 7000 Mc. band and 7 channels in the 12000 Mc. band for the exclusive use of communications common carriers to provide television pickup and STL service to television broad-casters thus meeting the assertion of the communications common carriers that they could best provide a nation-wide service by using a group of channels on an exclusive basis, which would permit freedom in exchanging equipment from city to city to meet the demand for common carrier servators where the statement of the ice where it arises. In addition to the above. 6 additional channels in the 13000 Mc. band are provided for the shared use of television broadcasters and communication common carriers. On the basis of present informa-tion, this plan appears to provide a prac-tical and equitable apportionment of channels. If future experience demonstrates that the apportionment adopted herein is not the best one to meet the respective needs of broadcasters and common carriers, the Commission will, of course, consider proposals for amendment of the rules in this respect.

In addition to the above reservation, the Commission's rules provide that where a television broadcast licensee engages a communications common carrier to provide a television pickup or STL service, the channels normally available to that broadcaster under the television auxiliary rules may be assigned to the communications common carrier providing such service to the broadcaster. Raytheon Manufacturing Company, National Association of Radio and Television Broadcasters, and The Chronicle Publishing Company all requested that the present reservation of channels for use by common carriers be deleted. The Commission believes that better channel utilization will be achieved if they are now made available to television broadcasters. The present provision of the television auxiliary rules which will be continued in the proposed rules makes these as well as other television auxiliary channels available to communication common carriers on the same basis as they are available to broadcasters.

7. It is proposed, therefore, to list all channels allocated for television pickup and television STL stations in § 4.602(a) of the rules, channelled on the present basis, i. e., six 17 Mc. and one 18 Mc. channel in the band 1990-2110 Mc., two 17 Mc. and one 16 Mc. channel in the band 2450-2500 Mc., ten 25 Mc. channels in the band 6875-7125 Mc., eight 25 Mc. channels in the band 10,500-10,700 Mc., and, twenty 25 Mc. channels in the band 12.700-13.200 Mc. The proposed rules will provide for the assignment of two exclusive channels to each television licensee for use in a particular area and will place the remaining unused channels in a "pool" equally available to all licensees in that area. This will permit licensees to select frequencies so as to avoid mutual interference and will eliminate the artificial shortages created by a "paper" reservation of channels which may not be used by the licensee for whom they are reserved. It is anticipated that in some areas real congestion may arise. However, the proposed rules encourage licensees to share a common channel for fixed installations where circumstances are such as to permit interference-free co-channel operation. The original proposal to require a certain plane of polarization for each channel has been discarded in order to permit maximum flexibility on the part of licensees in the elimination of interference and more efficient utilization of available channels. It is further proposed to amend § 4.603 to point out that equipment used for sound transmission in STL stations must have performance capabilities sufficient to permit the overall TV system to meet the requirements of § 3.687 of the rules governing television broadcast stations. An additional amendment to § 4.632 (a) has been added to establish the basis for identifying the "exclusive" channel of a licensee. This proposal also contains a slight change in the originally proposed station identification rule to meet certain practical objections to the original proposal. The modified proposal will

not work undue hardship on the licensee and call sign transmission will serve to facilitate investigations of interference reports. Section 4.604 is amended to reflect proposed changes in § 4.602.

8. Authority for the issuance of the proposed amendments is vested in the Commission under sections 303 (a), (b) (c) (d) (e) (f), (g), (r) and 4 (l) of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before February 15, 1954, written data, views or arguments concerning said proposals. Persons favoring the amendments as proposed may file written data, views, or arguments supporting said proposals by the same data. Replies to such data, views or arguments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments before taking final action in the matter, and if comments are submitted which warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

10. This proceeding does not involve any change in frequency allocations set forth in Part 2 of our rules and heretofore made by the Commission. Accordingly, no data, views or arguments will be accepted in this proceeding proposing any such changes in frequency allocations.

11. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: December 2, 1953. Released: December 7, 1953.

> FEDERAL COMMUNICATIONS COMMISSION, WM. P. MASSING,

[SEAL]

Acting Secretary.

1. Delete the present language of § 4.602 and substitute the following:

§ 4.602 Frequency assignment. (a) The following frequencies are allocated for assignment to television pickup, television STL, and television intercity relay stations:

Band A (Mc)	Band B (Mc)	Band O (Mc)	Band I	(710)
2007-2024 2024-2041 2041-2058 2058-2075 2075-2092 2092-2110 2450-2467 2467-2484	6900-6925 6925-6950 6950-6975 6975-7000 7000-7025 7025-7050	10525-10550 10550-10575 10575-10500 10500-10625 10625-10650 10650-10675 10675-10700	12700-12725 12725-12760 12750-12775 12775-12500 12775-12505 12825-12550 12826-12575 12875-12500 12500-12725 12500-12725	1250-1275 1275-1200 1200-1225 1202-1205 1203-1205 1203-1310 13100-13125 13125-13160 13176-1320

Frequencies shown above between 2450 and 2500 Mc in Band A and between 10,500 and 10,700 Mc in Band C are allocated to accommodate the incidental radiations of industrial, scientific, and medical (ISM) equipment, and stations operating therein must accept any inter-

ference that may be caused by the operation of such equipment. ISM frequencles are also shared with other communication services and exclusive channel assignments will not be made, nor is the channeling shown above necessarily that which will be employed by such other services.

(b) Except as provided in paragraph (a) of this section each television broadcast station licensee in an area may request the assignment of one channel in Band A or Band B and one channel in Band D on an exclusive basis. In making such exclusive assignments, priority will be based on the filing date of an appropriate application (FCC Form 313) completed in accordance with the instructions thereon. Frequency assignments will normally be made as requested if the requested frequency is not assigned to another licensee on an exclusive basis. However, the Commission reserves the right to assign frequencies other than those requested if, in its opinion, such action is warranted.

(c) Where the relative locations of the studio and transmitter are such as to permit co-channel operation of television STL stations by two or more licensees in the same area such licensees may, by mutual agreement, request the assignment of a common channel for STL use on an exclusive basis. In the event that such a shared assignment is made each participating licensee may request the assignment of an individual exclusive channel in Band A, Band B, or Band D in addition to the shared STL channel.

(d) A television broadcast station licensee may request the assignment of not more than two channels in addition to its exclusive channel on a non-exclusive basis for television pickup, television STL, and television intercity relay purposes. Such non-exclusive channel assignments are subject to withdrawal should they be needed to provide an exclusive channel assignment to a licensee pursuant to the provisions of paragraph (b) of this section. Withdrawal of non-exclusive channel assignments will be made in the following order:

(1) The most recent existing assignment of a third channel to a single licensee.

(2) The most recent existing assignment of a second channel to a single licensee which does not utilize its exclusive channel for STL purposes.

(3) The most recent existing assignment of a non-exclusive channel.(e) The use of frequencies in the

(e) The use of frequencies in the bands 1990-2110 Mc., 6875-7125 Mc., and 12,700-13,200 Mc., by television intercity relay stations shall be on a secondary basis and is subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency allocations in § 2.104 (a) of this chapter.

(f) In the event that a television broadcast station licensee engages a communications common carrier to provide television pickup or television SIL service, the channels available to that licensee may be assigned to the communications common carrier for the purpose of providing such service to that licensee.

- 2. In § 4.603: a. Substitute the following text for the present text of paragraph (a)
- § 4.603 Sound channels. (a) The frequencies listed in § 4.602 (a) may be used for the simultaneous transmission of the picture and sound portions of television broadcast programs and for cue and order circuits, either by means of multiplexing or by the use of a separate transmitter within the same channel. When multiplexing of a television STL station is contemplated consideration should be given to the requirements of § 3.687 of this chapter regarding the overall system performance requirements. Applications for new television pickup, television STL, and television intercity relay stations shall clearly indicate the nature of any multiplexing proposed. Multiplexing equipment may be installed on licensed equipment without further authority of the Commission: Provided. That the Commission in Washington, D. C., and the Commission's Engineerin-charge of the Radio District in which the station is located shall be promptly notified of the installation of such apparatus: And provided further That the installation of such apparatus on a television STL station shall not result in degradation of the overall system performance of the television broadcast station below that permitted by § 3.687 of this chapter.
- b. Delete footnote 3 and the designator at the end of the first sentence of paragraph (b) and add the following new paragraph (c)
- (c) Remote pickup broadcast stations may be used in conjunction with television pickup stations for the transmission of the aural portion of television programs or events that occur outside a television studio and for the transmission of cues, orders, and other related communications necessary thereto. The rules governing remote pickup broadcast stations are contained in Subpart D of this part.
- 3. Substitute the following for the present text of § 4.604.
- § 4.604 Frequency selection to avoid interference. (a) Applicants for new television pickup, television STL, and television inter-city relay stations shall endeavor to select frequency assignments which will be least likely to result in mutual interference with other licensees in the same area. Consideration should be given to the relative locations of receiving points, normal transmission path, and nature of the contemplated operation.
- (b) Because of the more or less continuous nature of the operation of television STL stations frequency assignments to such stations will normally be designated as the exclusive channel of the licensee pursuant to § 4.602 (b) The operation of television STL stations on frequencies other than the exclusive channel shall be subject to the condition that no harmful interference is caused to the operation of television pickup stations.
- (c) Where two or more licensees are assigned a common channel for televi-

sion pickup, television STL, or television inter-city relay purposes in the same area and simultaneous operation is contemplated they shall take such steps as may be necessary to avoid mutual interference. If a mutual agreement to this effect cannot be reached the Commission shall be notified and it will take such action as may be necessary including time-sharing arrangements, to assure an equitable distribution of available facilities.

- 4. a. Substitute the following text for the present text of § 4.632 (a)
- (a) A licensee for a television pickup, television STL, or television inter-city relay station will be issued only to the licensee of a television broadcast station.5 A separate application is required for each transmitter and the application shall be specific with regard to the frequency requested. The first channel assigned in Band A or Band B to a licensee will be considered to be the exclusive assignment provided in § 4.602 (b) Exclusive channel assignments in Band D will be designated only upon request. A licensee may request a change in its exclusive channel assignment only where there are unassigned channels available. In making such changes the priority set forth in § 4.602 (b) will be observed.
  - b. Delete present paragraph (e) 5. Add a new § 4.633 as follows:
- § 4.633 Temporary authorizations.
  (a) Special temporary authority may be granted for the operation, as a television auxiliary broadcast station, of equipment licensed to another television broadcast station, or other class of station, or equipment of suitable design not heretofore licensed. Such authority will normally be granted only for special operation of a temporary nature.
- (b) A request for special temporary authority for the operation of a television auxiliary broadcast station may be made by informal application, which shall be filed with the Commission at least 10 days prior to the date of the proposed operation: *Provided*, That an application filed within less than 10 days of the proposed operation may be accepted upon a satisfactory showing of the reasons for the delay in submitting the request.
- (c) An application for special temporary authority shall set forth full particulars of the purpose for which the request is made, and shall show the type of equipment, power output, emission, and frequency or frequencies proposed to be used, as well as the time, date and location of the proposed operation. In the event that the proposed antenna installation will increase the height of any natural formation, or existing man-made structure, by more than 20 feet, a vertical plan sketch showing the height of the structure proposed to be erected, the height above ground of any existing structure, the elevation of the site above mean sea level, and the geographic coordinates of the proposed site, shall be submitted with the application.
- (d) A request for special temporary authority shall specify a channel or channels consistent with the provisions of § 4:602: *Provided*, That in the case

of events of widespread interest and importance which cannot be transmitted successfully on these frequencies assigned to other services may be requested upon a showing that operation thereon will not cause interference to established stations: And provided further, That in no case will a television auxiliary broadcast operation be authorized on frequencies employed for the safety of life and property.

- 6. Section 4.637 is amended to read as follows:
- § 4.637 Emission and bandwidth.
  (a) Television auxiliary broadcast stations operating on frequencies above 1500 Mc may be authorized to employ any type of emission suitable for the transmission of the visual and accompanying aural signals. The bandwidth of such emissions shall be limited to the assigned channel.
- (b) Television auxiliary broadcast stations operating on frequencies below 1500 Mc may be authorized to employ either frequency modulation or amplitude modulation, or both, depending upon the equipment employed. The emissions of such stations shall be confined to the assigned channel.
- 7. Section 4.651 is amended to read as follows:
- § 4.651 Equipment changes. (a) Commission authority upon appropriate formal application (FCC Form 313) therefor is required for any of the following equipment changes:
- (1) A change of the transmitter as a whole (except replacement with an identical transmitter), or a change in the power output.
- (2) A change of frequency assignment.
- (3) A change in the location of a television STL or television inter-city relay station (except relocation of the equipment within the same building) or a change in the area of operation of a television pickup station.
- (4) Any change in the antenna system of a television STL or television intercity relay station which will result in a change of more than 20 feet in the height above ground of the antenna and supporting structure, or that will result in a change of the direction of the main radiation lobe.
- (b) Other equipment changes not specifically referred to in paragraph (a) of this section may be made at the discretion of the licensee provided that the Engineer-in-Charge of the radio district in which the station is located, and the Commission at its Washington office, 'are notified in writing upon the completion of such changes, and provided that the changes are appropriately reflected in the next application for renewal of license of the television auxiliary broadcast station filed by the licensee.
- 8. Section 4.662 is amended to read as follows:
- § 4.661 Frequency tolerance. (a) The licensee of a television auxiliary broadcast station shall maintain the operating frequency of its station so that the normal sideband energy shall fall within

the assigned channel. If transmission is by asymmetrical sideband operation, suitable filters or other devices shall be employed to insure a minimum of radiated energy outside the assigned channel

(b) Television STL stations operating on frequencies shown in § 4.603 (b) shall maintain their operating frequency within 0.005 percent of the assigned frequency.

9. Add a new § 4.682 as follows:

§ 4.682 Station identification. (a) Each television auxiliary broadcast station shall identify itself by transmitting its call sign at the beginning and end of each period of operation; and during

operation, shall identify itself on the hour by transmitting its own call sign or the call sign of the television broadcast station with which it is associated.

(b) Identification transmissions during operation need not be made when to make such transmission would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases, the identification transmission shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

(c) Where more than one television auxiliary broadcast station is employed in an integrated relay system, the station at the point of origination may originate

the transmission of the call signs of all the stations in the relay system.

(d) The transmission of the call sign shall normally employ the type of emission for which the station is authorized, i. e. a visual transmitter shall employ visual identification and an aural transmitter shall employ aural identification: Provided, however, When the transmitter is used for visual transmission only the identifying call sign may be transmitted in international Morse code by keying the radio frequency carrier or a modulating signal impressed on the carrier. The Commission may, at its discretion specify other methods of identification.

[F. R. Doc. 53-10322; Filed, Dec. 10, 1953; 8:49 a. m.]

# **NOTICES**

# **DEPARTMENT OF COMMERCE**

Federal Maritime Board

BLACK DIAMOND STEAMSHIP CORP. ET AL NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7924 between Black Diamond Steamship Corp., and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Holland, Belgium and Germany to Puerto Rico, with transshipment at New York.

transshipment at New York.

(2) Agreement No. 7928 between United States Navigation Company, Inc., and Alcoa Steamship Company, Inc., covers transportation of cargo under through bills of lading from Holland and Belgium to Puerto Rico, with transshipment at New York.

(3) Agreement No. 7929 between N. V. Nederlandsch-Amerikaansche S too mvaart-Maatschappij (Holland America Line) and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Holland and Belgium to Puerto Rico, with transshipment at New York.

(4) Agreement No. 7936 between Nippon Yusen Kaisha and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Japan and the Philippines to Virgin Islands, with transshipment at New York.

(5) Agreement No. 7937 between Nippon Yusen Kaisha and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Japan and the Philippines to Puerto Rico, with transshipment at New York.

(6) Agreement No. 8220, between American Export Lines, Inc., Isthmian Steamship Company, Israel America Line, Ltd., and M. Dizengoff & Co. (Shipping) 1949, Ltd., provides for the creation of a conference to be known as the North Atlantic Israel Freight Con-

ference, for the establishment and maintenance of just and reasonable rates, charges and practices, for or in connection with the transportation of all cargo, in the trade from U.S. North Atlantic ports, Hampton Roads/Maine range, either direct or via transshipment, to all ports in Israel on the Mediterranean.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 8, 1953.

By order of the Federal Maritime Board,

[SEAL]

A. J. WILLIAMS, Secretary.

[F. R. Doc. 53-10344; Filed, Dec. 10, 1953; 8:54 a. m.]

Office of the Secretary

[Dept. Order 132, Amended]

LOAN GUARANTEE PROGRAM

ORGANIZATION AND DELEGATION OF AUTHORITY

Section 1. Purpose. The purpose of this order is to provide organization and delegate authority for performance of the guarantee loan functions of the Department of Commerce as a guaranteeing agency under the provisions of section 301 of the Defense Production Act of 1950, as amended, and Part III of Executive Order 10480 of August 14, 1953.

SEC. 2. Authority. (a) Section 301 of the Defense Production Act of 1950, as amended, provides in substance that (i) in order to expedite production and deliveries under Government contracts, the President may authorize certain agencies (including the Department of

Commerce) to guarantee any financing institution, public or private, against loss on loans made to finance any contractor or subcontractor, in connection with the performance or termination of any contract deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense; (ii) any Federal Reserve Bank may act, on behalf of any guaranteeing agency, as fiscal agent of the United States, and be reimbursed by the guaranteeing agency for expenses in acting as agent; (iii) the President may issue regulations and prescribe rates of interest, guarantee and commitment fees, and other charges; and (iv) each guaranteeing agency may use funds allocated or appropriated for such purposes.

(b) Under Executive Order 10480, the President designated the Department of Commerce as one of the guaranteeing agencies. He designated the Federal Reserve Banks as fiscal agents for the guaranteeing agencies, and authorized the Board of Governors of the Federal Reserve System after consultation with the guaranteeing agencies, to prescribe necessary regulations.

SEC. 3. Delegation of authority. (a) Authority is hereby delegated to the Assistant Secretary of Commerce for Domestic Affairs, and, as alternate, the Deputy Assistant Secretary of Commerce for Domestic Affairs to exercise the powers and authorities vested in the Secretary of Commerce by section 301 of the Defense Production Act of 1950, as amended, sections 301 and 302 of Executive Order 10480, and regulations which have been or may subsequently be prescribed by the Board of Governors of the Federal Reserve System.

(b) This delegation of authority is made in accordance with the provisions of section 703 of the Defense Production Act of 1950, as amended, section 602 (b) of Executive Order 10480 and Reorganization Plan No. 5 of 1950.

Sec. 4. Establishing of Loan Guarantee Advisory Board. (a) There is hereby 8148 NOTICES

established in the Office of the Secretary a Loan Guarantee Advisory Board which shall be composed of the General Counsel of the Department of Commerce (or his designated representative), the Administrator of the Business and Defense Services Administration (or his designated representative) and, in the case of each proposed loan guarantee, the head of the primary organization unit having preponderant interest in the procurement contracts for which the financing is required (or his designated representative) The Administrator of the Business and Defense Services Administration (or his designee) shall represent the small business functions of the Department as well as the other interests of the Business and Defense Services Administration.

(b) It shall be the function of the Loan Guarantee Advisory Board, after review and analysis of the request for a loan guarantee and the procurement of the necessary Certificates of Eligibility and other documents and clearances, to recommend to the Assistant Secretary of Commerce for Domestic Affairs the action to be taken with respect to each proposed loan guarantee.

(c) The General Counsel, or his designated representative, shall serve as Chairman of the Board. The Office of the General Counsel shall provide the Board with such professional and clerical assistance as may be necessary.

(d) A representative of the Board of Governors of the Federal Reserve System may be invited to meet with the Board as deemed desirable by the Board. Likewise, the Board may from time to time obtain the advice of representatives of other branches of the Government and other persons and may invite such representatives and persons to its meetings.

Sec. 5. Issuance of instructions. The Assistant Secretary of Commerce for Administration shall issue any orders, instructions, or directives necessary to implement the provisions of this order.

Sec. 6. Effect on other orders. This order supersedes Department Order No. 132, dated June 29, 1951 (16 F R. 6967) Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

Effective date: November 27, 1953.

Sinclair Weeks, Secretary of Commerce,

[F. R. Doc. 53-10316; Filed, Dec. 10, 1953; 8:47 a. m.]

# **CIVIL AERONAUTICS BOARD**

[Docket No. 6432]

NORTH CENTRAL AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation instituted by the Board to determine whether the public convenience and necessity require that North Central's amended temporary certificate of public convenience and necessity for route No. 86, be altered, amended, or modified

insofar as said certificate authorizes service by North Central over Segment 5 of said route.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on January 12, 1954, at 10:00 a.m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W Bryan.

Dated at Washington, D. C., December 7, 1953.

[SEAL]

Francis W Brown, Chief Examiner

[F. R. Doc. 53-10341; Filed Dec. 10, 1953; 8:53 a. m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8809, 10788, 10789, 10790]

ST. LOUIS TELECAST, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CON-SOLIDATED HEARING ON STATED ISSUES

In re applications of St. Louis Telecast, Inc., St. Louis, Missouri, Docket No. 8809, File No. BPCT-294; St. Louis Amusement Company, St. Louis, Missouri, Docket No. 10788, File No. BPCT-745; Columbia Broadcasting System, Inc., St. Louis, Missouri, Docket No. 10789, File No. BPCT-1565; 220 Television, Inc., St. Louis, Missouri, Docket No. 10799, File No. BPCT-1778; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of December 1953:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in St. Louis, Missouri; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the abovenamed applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station; but that questions are raised concerning other qualifications of Columbia Broadcasting System, Inc. to construct, own and operate its proposed television broadcast station,

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a.m. on the 31st day of December 1953 in Washington, D. C. upon the following issues:

1. To determine the stock ownership and management interests of Columbia Broadcasting System, Inc., in existing television broadcast stations and in applicants for television broadcast stations,

2. To determine whether, in the light of the evidence adduced at the hearing with respect to issue "1", a grant of the application of Columbia Broadcasting System, Inc. would be consistent with the provisions of § 3.636 of the Commission's rules and with its policies concerning the ownership of interests, minority or majority, by one party in more than five television stations.

3. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the action taken in this order is without prejudice to any action which the Commission may take with respect to the "Petition For Reconsideration And Acceptance Of Application For Filing" filed by Broadcast House, Inc., on November 30, 1953.

Released: December 4, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P MASSING,
Acting Secretary,

[F. R. Doc. 53-10334; Filed, Dec. 10, 1953; 8:52 a. m.]

[Docket Nos. 8936, 10795, 10796]

LOYOLA UNIVERSITY ET AL.

ORDER DESIGNATING APPLICATIONS FOR CON-SOLIDATED HEARING ON STATED ISSUES

In re applications of Loyola University, New Orleans, Louisiana, Docket No. 8936, File No. BPCT-359; The Times-Picayune Publishing Company, New Orleans, Louisiana, Docket No. 10795, File No. BPCT-648; James A. Noe, Harry Allsman, Raymond F Hufft, and James A. Noe, Jr., d/b as James A. Noe and Company, Orleans, Louisiana, Docket No. 10796, File No. BPCT-1588; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of December 1953:

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new television broadcast

Orleans, Louisiana; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

station to operate on Channel 4 in New

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the abovenamed applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for hearing and of all objections to their applications; and were given an opportunity to reply and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto. and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory that Loyola University and The Times-Picayune Publishing Company are legally, financially and technically qualified to construct, own and operate television broadcast stations; and that James A. Noe and Company is legally and technically qualified to construct. own and operate a television broadcast station: and

It further appearing, that the application of Loyola University proposes an antenna location in the vicinity of the antenna of standard broadcast Station WTPS: that the installation and operation of the television antenna as proposed is possible and feasible without adversely affecting the ability of Station WTPS to operate in accordance with the terms of its license: that appropriate proof thereof should be submitted after installation and operation of the said proposed antenna; and that a grant, if made, of the application should be subject to a condition in this respect as follows:

The construction authorized is subject to the condition that such shall not adversely affect the ability of standard broadcast Station WTPS to operate in accordance with the terms of its license, particularly with respect to its antenna system, and that sufficient field intensity measurements of Station WTPS shall be made before and after such construction to prove that no material effect thereon has resulted.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a.m. on the 31st day of December 1953 in Washington, D. C., upon the following issues:

1. To determine whether James A. Noe and Company is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled

applications.

[SEAL]

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated,

Released: December 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION. WM. P. MASSING Acting Secretary.

[F. R. Doc. 53-10335; Filed, Dec. 10, 1953; 8:52 a. m.]

[Docket Nos. 8954, 9015, 10793, 10794]

WISCONSIN BROADCASTING SYSTEM, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CON-SOLIDATED HEARING ON STATED ISSUES

In reapplications of Wisconsin Broadcasting System, Inc., Milwaukee, Wisconsin, Docket No. 8954, File No. BPCT-377; Milwaukee Broadcasting Company, Milwaukee, Wisconsin, Docket No. 9015, File No. BPCT-472; Milwaukee Area Telecasting Corporation, Milwaukee, Wisconsin, Docket No. 10793, File No. BPCT-1578: Kolero Telecasting Corporation, Milwaukee, Wisconsin, Docket No. 10794, File No. BPCT-1796; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of December 1953:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 in Milwaukee, Wisconsin; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference: and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the abovenamed applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto. and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934. as amended, a hearing is mandatory that Milwaukee Broadcasting Company and Milwaukee Area Telecasting Cor-poration are legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Wisconsin Broadcasting System, Inc., and Kolero Telecasting Corporation are legally and financially qualified to construct, own and operate a television broadcast station and are technically so qualified except as to the matter referred to in issue "1" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a.m. on the 31st day of December 1953 in Washington, D. C., upon the following issues:

1. To determine whether the installation of either of the stations proposed by Wisconsin Broadcasting System, Inc., and Kolero Telecasting Corporation in their above-entitled applications would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficlent allegations of fact in support thereof, by the addition of the following issues: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectu-

Released: December 7, 1953.

FEDERAL COMMUNICATIONS COMMISSION, WM. P. MASSING,

[SEAL] Acting Secretary.

[F. R. Doc. 53-10336; Filed, Dec. 10, 1953; 8:52 a. m.]

8150 NOTICES.

[Docket Nos. 10285, 10352, 10779]
PORT ARTHUR COLLEGE ET AL.

MEMORANDUM OPHNION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUE

In re applications of Port Arthur College, Port Arthur, Texas, Docket No. 10285, File No. BPCT-839' Joe B. Carrigan, trustee and James K. Smith, a partnership, d/b as Smith Radio Company, Port Arthur, Texas, Docket No. 10352, File No. BPCT-1013; Jefferson Amusement Company, Port Arthur, Texas, Docket No. 10779, File No. BPCT-1440; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration (a) a "Petition for Rehearing and Other Relief" filed by Jefferson Amusement Company (hereinafter called Jefferson) on May 22, 1953, of the Commission's Memorandum Opinion and Order (FCC 53-450, adopted April 22, 1953) (b) "Reply to 'Petition for Rehearing and Other Relief' "filed by Port Arthur College on June 8, 1953; (c) "Opposition to 'Petition for Rehearing and Other Relief' "filed by Joe B. Carrigan, Trustee, and James K. Smith, a partnership d/b as Smith Radio Company on June 8, 1953, and (d) a "Reply to Opposition To Petition for Rehearing" filed by Jefferson Amusement Company on June 16, 1953.

2. The detailed and comprehensive factual stituation involved in the matter before us is set forth in our Memorandum Opinion and Order of April 22, 1953 (9 Pike & Fischer RR 219) brief, we found there that the motion of the Lufkin Amusement Company for dismissal of its application to construct a television station on Channel 4 assigned to the Beaumont-Port Arthur. Texas, area was granted insofar as it requested dismissal but was denied insofar as it requested that such dismissal be without prejudice; that through stock ownership and certain directorships common to all three corporations, Lufkin controlled East Texas Theatres, Inc., which, in turn, controlled Jefferson Amusement Company that the application of Jefferson Amusement Company for the same channel in the same area was one filed on "behalf of or for the benefit of" Lufkin Amusement Company. and that, under the provisions of § 1.363 (a) of the Commission's rules,2 the Jef-

<sup>1</sup>On May 29, 1953, Smith Radio Company and Port Arthur College filed a joint request for extension of time to reply to Jefferson's petition for reconsideration to June 8, 1953. By letter of June 4, 1953, Smith Radio Company, Port Arthur College and Jefferson were advised that the time to reply had been extended to June 8, 1953.

advised that the street of the same are by the same area by the same applicant, or by his successor or assignee, or on behalf of for for the benefit of the original parties in interest, until after the lapse of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of twelve months from the effective date of the Commission's

ferson application should be dismissed. Our conclusions, in this connection, are set forth in paragraph "9" of the above Memorandum Opinion and Order wherein we stated:

9. There remains for our consideration the determination of whether Jefferson's application, with relation to the dismissed Lufkin application, is one filed by the "same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest." In reaching this determination, we cannot confine our considerations to the Lufkin and Jefferson Corporations only for there are present facts which involve a third corporation, East Texas Theatres, Inc. We have set forth in paragraph "3" above, that E. L. Kurth, Sr., J. H. Kurth, Jr. and Simon W. Henderson, Jr., are directors common to the three corpora-tions; that E. L. Kurth and S. W. Henderson, Jr. are officers and directors of both Lufkin and East Texas; that the board of directors of East Texas Theatres, Inc. is composed of six persons as is the board of directors of Jefferson; that M. L. Wertheim, Secretary of Jefferson, signed the Lufkin application as Assistant Secretary of that corporation; that Robert H. Park, a director and shareholder of Jefferson, was proposed as station manager in the Lufkin application and now is pro-posed as general manager in the proposed Jefferson station; and that the narrative statements as to policy on public issues and program plans and policies are identical. By virtue of the fact that Lufkin has negative control of East Texas through its 50 percent stock ownership and 50 percent representation on East Texas' board of six directors, it is apparent that Lufkin is in the position of being able to veto any proposed action of East Texas which is inconsistent with the objectives of Lufkin. This veto power extends not only to actions requiring a stockholders' vote, but also to the day-to-day operations of East Texas based on policies adopted by the board of directors. This negative control possessed by Lufkin does not terminate with the East Texas Corporation but it pervades Jefferson as well. Since East Texas Theatres, Inc., owns 50 percent of the issued and outstanding stock of Jefferson, the policies and interests of Lufkin are capable of being advanced and carried into fruition in Jefferson through the exercise of Lufkin's negative control of East Texas. The presence of E. L. Kurth, Sr., J. H. Kurth, Jr. and Simon W. Henderson, Jr., on Jefferson's board of directors further assures Lufkin that its interests in East Texas and its expressions of policy emanating from East Texas will be vigorously protected and advanced at the meetings of Jefferson's board of directors.

3. In its respective pleadings herein, Jefferson alleges, in substance, that the facts and rules which the Commission should consider in making its determination herein should be based on the application as filed by Jefferson on November 24, 1952, and not as of December 12, 1952, the date it amended its application, cit-

order. The Commission may, for good cause shown, waive the requirements of this section."

ing In re Tampa Television Company, 8 Pike & Fischer RR 395, that on December 5, 1952, the date Lufkin petitioned to dismiss its application, "Lufkin had no controlling interest in Jesserson, either affirmative or negative, directly or indirectly" that between November 24, 1952, and December 16, 1952 (the date the Lufkin application was dismissed) the Commission did not "notify either Lufkin or Jefferson that their respective applications were inconsistent, conflicting, multifarious, or repetitious, so as to put the parties on notice for the purpose of correcting any deficiency or defect, or of electing which application was desired to be prosecuted"; that failure to take such action was the "best evidence" that the Jefferson application was not in violation of § 1.363 (a) after Lufkin's dismissal because the Lufkin application, "having neither received a hearing on the merits of its application nor been in default, the Rule is patently not applicable" that Lufkin and Jefferson did not apply for the same facilities; that by failing to include Jefferson as a party to the hearing designated on December 1, 1952, the Commission failed to comply with section 309 (b) of the Communications Act: that the interest of Lufkin in East Texas is only a beneficial one; that 50 percent of East Texas stock is owned by E. L. Kurth, J. H. Kurth, Jr., and S. W Henderson; that Jefferson has a management contract with East Texas covering all of its theatres "now owned or hereafter acquired by East Texas": that the Gordon interests own 66% percent of the "beneficial or liquidating" interest in Jesserson; that it is "peculiarly unrealistic for the Commission to infer 'working control' of Jefferson by Lufkin, arising solely out of the beneficial ownership of 50 percent of East Texas stock by individuals who are also Lufkin stockholders, and nothing more" that the "status quo or incumbency of Mr. Gordon as President of the two companies, and of one-half of the board of directors of each of the two companies. representing the Gordon interest or family group, is of prime importance, be-cause in effect it gives to this group positive management control of both corporations"; that "granting the valid-ity of the concept of 'negative control', insofar as it implies a theoretical power of veto on the part of East Texas, and indirectly therefore, Lufkin, in the affairs of Jefferson, the concept is one of legal presumption, and is not per se conclusivo of the interpretation advanced by the Commission"; and that the Commission should reconsider its action insofar as it purports to find that the Jefferson application was filed on behalf of or for the benefit of Lufkin. Alternatively, and in addition, petitioner requests that the Commission (a) waive the provisions of § 1.363 (a) and reinstate its application: (b) grant a hearing on the issues raised by its Memorandum Opinion and Order: (c) grant oral argument; and (d) rescind its hearing orders, continue said hearing and consolidate the Josserson application with that of the other two pending applications for the same channel.

4. In their oppositions to the petition herein, Smith Radio Company and Port Arthur College allege, in substance, that,

<sup>&</sup>lt;sup>3</sup> When the Jefferson application was filed on November 24, 1952, East Texas Theatres, Inc. had a 25 percent interest in Jefferson and United Paramount Theatres, Inc. then had a 50 percent interest in Jefferson. The Jefferson amendment to its application, filed December 12, 1952, stated that it (Jefferson) had purchased and would hold as Treasury Stock the 50 percent interest of United Paramount Theatres, Inc. With this action, the East Texas Theatres' interest in Jefferson voting stock increased from 25 percent to 50 percent, and the stock purchased by Jefferson and to be held in its Treasury became a nonvoting stock.

the Tampa Television case was not concerned with § 1.363 (a) but with § 1.364 "prohibiting the contemporaneous processing of inconsistent or multiple applications" that "we are not concerned here with the ownership of Jefferson at the time Lufkin dismissed, but with its ownership at the time the Commission dismissed Jefferson" that Lufkin was dismissed after it had been designated for hearing, after it had participated in oral argument on its motion to dismiss, and after it had defaulted in its showing of good cause justifying a dismissal without prejudice; that the facts in the instant case justify the conclusion that the application of Jefferson is for and on behalf of the Lufkin group; that no justification has been shown for a waiver of § 1.363 (a) that such request is untimely and a grant thereof would be prejudicial; that the Jefferson application should not have been accepted and such error should not be repeated; that since, as alleged by Jefferson, "in 1948, and up to November, 1952, Jefferson was 50 percent owned by United Paramount Theatres, which would not acquiesce in the filing of a Jefferson application" it is quite possible "that Lufkin may have been used as the 'stalking horse' for the Gordon-Lufkin desires to get into television" that with Jefferson operating from the transmitter site proposed by Lufkin, service of the same kind to the same area will result; that the Lufkin application states unequivocally that it owns 50 percent of East Texas and that petitioner now attempts to "condition, contradict or somehow qualify these un-equivocal statements" and that the petition for rehearing and for other relief should be denied in toto.

5. Jefferson urges that in the light of our decision in In re Tampa Television Company, 8 Pike & Fischer RR 393. where we held that, under the facts of that case, the date of the Motions Commissioner's action with relation to a motion to dismiss an application is taken to be effective as of the time of the filing of the motion to dismiss, the Jefferson application is not repetitious with the dismissed Lufkin Amusement Company application. It urges this by the following reasoning: Lufkin petitioned to dismiss its application without prejudice on December 5, 1952; the Motions Commissioner dismissed its application with prejudice on December 16, 1952; in the meantime, Jefferson, on December 12, 1952, amended its application to reflect that, by the deletion of United Paramount Theatres, Inc., as a stockholder, East Texas Theatres, Inc. increased its interest in Jefferson's voting stock to 50 percent; therefore, dating the effectiveness of the Motions Commissioner's action back to the date of filing of Lufkin's petition to dismiss its application without prejudice, it is apparent that as of December 5, 1952, the Lufkin and Jefferson applications did not have that identity of interest which would bring Jefferson within the intent of § 1.363 (a) do not believe that our decision in the Tampa Television Company case, supra, is controlling here. There, we were concerned with the question of multiple ap-

plication by the same applicant and not with the question of whether an applica-tion was filed on "behalf of or for the benefit of the original parties in interest" where the original parties had been dismissed with prejudice. In arguing that the Jefferson and Lufkin applications, insofar as determining whether they are the same application for the purposes of § 1.363 (a), must be considered as they were constituted on December 5, 1952, Jefferson overlooks the essential purpose of § 1.363 (a). That rule, as it pertains to an application which has been dismissed with prejudice, does not restrict itself to a consideration of two applications as they may exist on the date of a dismissal with prejudice. The rule expressly provides that where an application is dismissed with prejudice, after hearing or default, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of twelve months from the effective date of the Commission's order.

6. Upon the facts which were before us for our consideration in our Memorandum Opinion and Order of April 22, 1953, we were compelled to reach the conclusion that the Jefferson application was filed on behalf or for the benefit of Lufkin Amusement Company, with the consequent result that under § 1.363 (a) Jefferson's application was not entitled to remain before us for consideration. In the instant petition for rehearing, Jefferson presents additional facts with respect to the relationship between Lufkin Amusement Company, East Texas Theatres, Inc., and Jefferson Amusement Company and additional legal arguments with respect to the applicability of § 1.363 (a) which were not previously presented in this cause. Without attempting to assess the probative value of the evidence brought forward by Jefferson, we believe that the additional facts and arguments submitted by Jefferson raise questions as to the applicability of § 1.363 (a) to the case before us sufficient to warrant a hearing thereon. The hearing record on this issue will permit a determination as to whether or not, in fact, comparative consideration of Jefferson's application by the Commission would be consistent with the provisions of § 1.363 (a) of the Commission's rules.

7. In view of the foregoing: It is ordered, That our order of April 22, 1953 (FGC 53-450) is rescinded; and that the above-entitled application of Jefferson Amusement Company is designated for hearing to commence at 10:00 a.m. on the 16th day of December 1953, in Washington, D. C., upon the following issue: To determine whether the application of Jefferson Amusement Company should be dismissed pursuant to the provisions of § 1.363 (a) of the Commission's rules, in light of the filing and dismissal of the application of Lufkin Amusement Company (BPCT-545).

pany (BPCT-545).

It is further ordered, That Port
Arthur College, and Joe B. Carrigan,

Trustee and James K. Smith, a partnership d/b as Smith Radio Company are hereby made parties to the above hearing.

Adopted: December 2, 1953.

Released: December 4, 1953.
FEDERAL COMMUNICATIONS

COMMISSION,<sup>3</sup>
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10337; Filed, Dec. 10, 1953; 8:52 a. m.]

[Docket No. 10505]

DONZE ENTERPRISES, INC. (KSGM)
ORDER CONTINUING HEARING

In re application of Donze Enterprises, Inc. (KSGM), Ste. Genevieve, Missouri, Docket No. 10505, File No. BP-8488; for

construction permit.

The Commission having under consideration a joint petition filed December 3, 1953, by Midland Broadcasting Company and Donze Enterprises, Inc., respondent and applicant, respectively, in the above-entitled proceeding, requesting that the hearing presently scheduled for December 7, 1953, be continued to

January 5, 1954; and

It appearing, that several informal conferences between counsel have developed a favorable atmosphere for nenotiating a settlement of, at least, some of the differences between the parties, but that the details cannot be worked out without consideration of data which the engineers for the parties have been unable to prepare because of their workload: that the engineers have been requested to prepare and present such data and it is believed this will be done within the next two weeks; and that, it is now difficult to determine what exhibits may be accepted without formal proof, particularly in view of the fact that there has been considerable discussion and a generally accepted feeling that most of the engineering exhibits can be agreed upon before the hearing starts, if they are available for full examination by the opposing party prior to the commencement of the hearing; and

It further appearing, that counsel for the Broadcast Bureau of the Commission has consented to a waiver of the requirements of § 1.745 of the Commission's rules and regulations and agreed to an immediate consideration and grant of the petition for continuance;

It is ordered, This 4th day of December 1953, that the petition be and it is hereby granted; and the hearing presently scheduled to commence on December 7, 1953, is continued to January 5, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

WM. P. Massing, Acting Secretary.

[F. R. Doc. 53-10338; Filed, Dec. 10, 1953; 8:52 a. m.]

<sup>&</sup>lt;sup>2</sup> Commissioners Hyde, Chairman and Lee dissented in opinion.

[Docket No. 10587]

GREEN BAY BROADCASTING CO. (WMAW)
ORDER CONTINUING HEARING WITHOUT DATE

In re application of Green Bay Broadcasting Company (WMAW), Menominee, Michigan, Docket No. 10587, File No. BMP-6064; for modification of construction permit.

Whereas, by order of the Commission granted September 24, 1953, hearing on the application herein was set for De-

cember 14, 1953; and

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Whereas the applicant above-named has on November 4, 1953, filed its Petition for Reconsideration and Grant Without Hearing, which petition is now pending, and the effect of favorable action thereon by the Commission would be to render the hearing on said application unnecessary.

It is ordered, This 7th day of December 1953, that the hearing conference on the application of Green Bay Broadcasting Company, pursuant to § 1.841, heretofore scheduled for December 14, 1953, be continued without date.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10339; Filed, Dec. 10, 1953; 8:53 a. m.]

[Docket Nos. 10791, 10792]

Mansfield Journal Co. and Fergum Theatres, Inc.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mansfield Journal Company, Mansfield, Ohio, Docket No. 10791, File No. BPCT-1178; Fergum Theatres, Inc., Mansfield, Ohio, Docket No. 10792, File No. BPCT-1179; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of December 1953:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 36 in Mansfield, Ohio: and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the abovenamed applicants were advised by letters (of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309

(b) of the Communications Act of 1934, as amended, a hearing is mandatory that Mansfield Journal Company is legally, financially and technically qualified to construct, own and operate a television broadcast station except as to the matters referred to in issues "1" "2" and "3" below and that Fergum Theatres, Inc., is legally, financially and technically qualified to construct, own and operate a television broadcast station except as to the matters referred to in issues "3" and "4" below.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a.m. on the 31st day of December 1953 in Washington, D. C. upon the following issues:

1. To determine whether Mansfield Journal Company is qualified to be the licensee of a television broadcast station, in the light of its past activities in violation of Federal antitrust laws and those of its officers, directors and stockholders,

2. To determine the transmitter output and effective radiated power, as affected by diplexer loss, of the operation proposed by Mansfield Journal Company, with particular reference to the ratio of aural to visual effective radiated power required by § 3.682. (a) (15) of the Commission's rules.

3. To determine whether the installation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

4. To determine whether good cause exists for the location of the proposed main studio of Fergum Theatres, Inc., outside the principal community to be served; whether such location would be consistent with the operation of the station proposed by Fergum Theatres, Inc., in the public interest; and whether the provisions of § 3.613 (a) of the Commission's rules should be waived.

5. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will

give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 7, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
WM. P MASSING,

[SEAL]

Acting Secretary.

[F. R. Doc. 53-10340; Filed, Dec. 10, 1953; 8:53 a. m.]

#### FEDERAL POWER COMMISSION

[Docket No. E-6532]

MONTANA-DAKOTA UTILITIES Co.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

DECEMBER 7, 1953.

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its order adopted December 2, 1953, authorizing issuance of securities in the above-entitled matter.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 53-10307; Filed, Dec. 10, 1953; 8:45 a. m.]

[Docket No. G-1308]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 7, 1953.

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its order adopted December 2, 1953, amending order of May 19, 1950 (15 F. R. 3296) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 53-10308; Filed, Dec. 10, 1953; 8:45 a. m.]

[Docket Nos. G-2236, G-2266]

OHIO FUEL GAS CO. AND EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS

DECEMBER 7, 1953.

In the matters of the Ohio Fuel Gas Company, Docket No. G-2236; El Paso Natural Gas Company, Docket No. G-2266.

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its orders adopted December 2, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 53-10309; Filed, Dec. 10, 1953; 8:46 a. m.]

[Docket Nos. G-2102, G-2250]

CITY OF PALO ALTO AND PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF COMPLAINT AND ALLOWING TARIFF SHEETS TO TAKE EFFECT

DECEMBER 7, 1953.

City of Palo Alto v. Pacific Gas and Electric Company, Docket No. G-2250, and in the matter of Pacific Gas and Electric Company, Docket No. G-2102.

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its order adopted December 2, 1953, in the above-entitled matters, permitting withdrawal of the complaint of the City of Palo Alto, Docket No. G-2250, and allowing tariff sheet's filed by Pacific Gas and Electric Company, Docket No. G-2102 to take effect as of August 22, 1953.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-10310; Filed, Dec. 10, 1953; 8:46 a. m.]

[Docket No. G-2263]

LONE STAR GAS CO.

NOTICE OF FINDINGS AND ORDER

**DECEMBER 7, 1953.** 

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its order adopted December 2, 1953, issuing a certificate of public convenience and necessity, and permitting and approving abandonment of certain facilities in the above-entitled matter.

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-10311; Filed, Dec. 10, 1953; 8:46 a. m.]

[Project No. 2144]

CITY OF SEATTLE

NOTICE OF APPLICATION FOR PRELIMINARY. PERMIT

DECEMBER 7, 1953.

Public notice is hereby given that The City of Seattle, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed Project No. 2144 to be located on the Pend Oreille River in Pend Oreille County, Washinton, affecting public lands and lands of the United States within Kaniksu National Forest. .The proposed project would consist of a concrete dam about 300 to 350 feet high with crest length of about 500 feet located about one mile from the International Boundary forming a reservoir having a water surface elevation of 1,990 feet above mean sea level; a power plant operating under a gross head of about 270 feet located immediately downstream from the dam with provisions for an installed capacity of about 570,000 kilowatts; and transmission facilities consisting initially of two 230-kilovolt circuits connecting to

the grid system of the Bonneville Power Administration in the area of Spokane, Washington. The power to be produced or displaced by the proposed project would be used by The City of Seattle to supply customers in its service area. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for license under the terms of the Federal Power Act for the proposed project.

Protests of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before January 14, 1954. The application is on file with the Commission for public inspection.

**ISEAL** 

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-10312; Filed, Dec. 10, 1953; 8:46 a. m.1

# SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1578]

ROCKWELL SPRING AND AXLE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUN-ITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of December A. D. 1953.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Excharige Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$5 Par Value, of Rockwell Spring and Axle Company, a security listed and registered on the New York Stock Exchange, on the Pittsburgh Stock Exchange, and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to January 5, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

NELLYE A. THORSEN, Assistant Secretary.

[F. R. Doc. 53-10325; Filed, Dec. 10, 1953; 8:50 a. m.]

[File No. 7-1579]

ROCKWELL SPRING AND AXLE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of December A. D. 1953.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$5 Par Value, of Rockwell Spring and Axle Company, a security listed and registered on the New York Stock Exchange, on the Pittsburgh Stock Exchange, and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal

office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to January 4, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL]

NELLYE A. THORSEN, Assistant Secretary.

[F. R. Doc. 53-10326; Filed, Dec. 10, 1953; 8:51 a. m.]

[File Nos. 54-171, 59-92]

NORTH AMERICAN CO. AND NORTH AMER-ICAN UTILITY SECURITIES CORP.

MEMORANDUM OPINION AND ORDER APPROV-ING APPLICATION AND RELEASING JURIS-DICTION

**DECEMBER 4, 1953.** 

In the matter of the North American Company, File No. 54-171, North American Utility Securities Corporation, the North American Company, File No. 59-92.

We have before us the fees and expenses to be allowed in connection with a plan, as amended, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by the North American Company ("North American") a registered holding company, providing for the liquidation and dissolution of its investment company subsidiary, North American Utility Securities Corporation ("NAUSCORP")
The plan was designed to effect partial

No. 241-4

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compliance with the provisions of section 11 (b) of the act and our Order of April 14, 1942, in that upon completion of the liquidation and dissolution North American was committed to the prompt disposition of the security holdings thus received.

The original plan was filed on June 21, 1948, and provided that North American would receive all the assets, subject to the current liabilities of NAUS CORP by reason of its holdings of all of the \$7 cumulative preferred stock, of which there were 60,000 shares outstanding and that the common stock, of which 90.397 shares were held by the public and 376,151 shares were held by North American, would receive nothing. Hearings were held with respect to this plan and with respect to the issues raised by the Commission in its order instituting proceedings against NA US CORP under section 11 (b) (2) of the act. On August 16, 1950, the staff of the Division of Corporate Regulation filed its recommended findings and opinion in which it recommended that the plan not be approved by the Commission. The Protective Committee for the Public Holders of Common Stock concurred in the staff's recommendation and exceptions thereto were filed by the companies.2

The matter was thereafter submitted to us for decision. Before a resolution of the issues was reached, North American filed an Amended Plan providing that the holders of the publicly held common stock should receive \$9 a share in full satisfaction of all rights in respect there-The Commission's findings, opinion and order approving the amended plan were issued on July 23, 1952, and was ordered enforced by the District Court on September 16, 1952. North American also opposed the request by the Protective Committee for the Public Holders of Common Stock for a list of stockholders of NA US CORP to enable the committee to solicit the public common stockholders.<sup>5</sup> A suit for an injunction against the committee was filed in District Court. This action was dismissed in December 1948 and this decision was affirmed by the Court of Appeals in June 1949.

The order of July 23, 1952, approving the amended plan contained a condition to the effect that North American and NAUSCORP should pay only such fees and expenses in connection with the amended plan and the proceedings re-

<sup>1</sup>The North American Company, Holding Company Act Release No. 8399 (1948). lating thereto as the Commission may approve on appropriate application made to it. Subsequently, we notified the interested persons that applications for approval of fees and expenses should be filed and the companies were requested to supply information regarding certain fees and expenses paid or proposed to be paid for services in connection with these proceedings.

The following table shows the amounts of fees and expenses for which applications have been filed:

Applicant	Amount requested		
	Fees	Expenses	
Sullivan & Cromwell, counsel to companies.  Irving Steinman, counsel to protective committee for public	\$100,000	\$753. 20	
holders of common stock of NAUSCORP Samuel I. Posen, charman of com- mittee	60, 000 6, 500	1,557.08 910.97	
Maurice K. Kraft, member of committee and financial expert The Ad Press, Ltd., & printing	13, 500	562.72 6,854.00	
Total	180,000	10, 637. 97	

The Commission having examined the statements and affidavits submitted in support of such requests and having examined the record and the requested fees and expenses in the light of the standards of the act, and having concluded that the requested fees and expenses in the amounts set forth herein are reasonable and for necessary services:

It is ordered, That the foregoing applications for allowances and reimbursement of expenses are approved and that the reservation of jurisdiction in this matter with respect to said fees and expenses, be, and the same hereby is, released.

By the Comission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-10329; Filed, Dec. 10, 1953; 8:51 a. m.]

[File No. 54-211]

CENTRAL PUBLIC UTILITY CORP.

ORDER APPROVING PLAN

DECEMBER 4, 1953.

Central Public Utility Corporation ("Cenpuc") a registered holding company, having filed an application with this Commission for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for compliance with section 11 (b) thereof; and

Said plan providing, among other things, for the distribution by Cenpuc to its stockholders, on a pro rata basis, of the reclassified stock of its publicutility subsidiary, Central Indiana Gas Company ("Central Indiana") and the liquidation and dissolution of its nonutility subsidiary, Central Natural Gas Corporation ("Central Natural") and

Public hearings having been duly held after appropriate notice with respect to said plan at which hearings all inter-

ested persons were afforded an opportunity to be heard; and

Cenpuc having requested that the Commission's order approving said plan contain recitals and findings in accordance with the requirements of the Internal Revenue Code, as amended, including Supplement R and section 1808 (f) thereof; and

The Commission having considered the entire record in this matter and having this day filed its findings and opinion herein finding that said plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

It is ordered, On the basis of the record herein and said findings and opinion, pursuant to section 11 (e) and other applicable provisions of the act, that said plan be, and the same hereby is, approved, forthwith, subject to the terms and conditions contained in Rule U-24 promulgated under the act and to the following additional terms and conditions:

1. That only such fees and expenses, and no more, in connection with said plan and the proceedings incident thereto shall be paid as the Commission may approve on appropriate application made to it and, with the exception of fees and expenses to be paid Stone & Webster Service Corporation and Baltimore National Bank ("Baltimore") for services to be rendered as transfer agents under the plan, jurisdiction hereby is specifically reserved with respect to the reasonableness, appropriate allocation, and payment by Cenpus and its subsidiaries of all fees and expenses and all other remuneration incurred or to be incurred in connection with said plan, the transactions incident thereto, and the proceedings thereon and related thereto; and

2. That jurisdiction be, and it hereby is, specifically reserved with respect to the following:

a. All aspects of the procedure with respect to the selection of the reconstituted Board of Directors of Central Indiana and the composition thereof; and

b. The entertaining of such further proceedings, entering of such further orders and the taking of such further action as may be deemed to be necessary or appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof and as may be deemed to be necessary or appropriate to effectuate the requirements of section 11 (b) of the act.

It is further ordered and recited, Pursuant to section 11 (e) and other applicable sections of the act and the rules and regulations promulgated thereunder, that the transactions itemized below proposed in said plan and involved in the consummation thereof, are approved and found to be necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and necessary or appropriate to the integration or simplification of the holding company system of which Cenpuc, Central Indiana and Central Natural are members:

(1) The amendment of Central Indiana's Certificate of Incorporation as proposed in section I of said plan and

<sup>-</sup>A request made by North American that the hearing officer file a recommended decision was denied. Petition for review dismissed the North American Company v. S. E. C. (C. A. 2, October 9, 1950) (unreported).

ported).

The North American Company, Holding Company Act Release No. 11390 (1952).

North American Utility Securities Cor-

North American Utility Securities Corporation et al., U. S. D. C., Maryland, Civil Action No. 5935.

<sup>&</sup>lt;sup>6</sup>The solicitation material had been approved by the Commission under Rule U-62.
<sup>6</sup>North American Utility Securities Corporation v. Posen et al., U. S. D. C. S. D. N. Y.

Civil Action No. 4832.

North American Utility Securities Corporation v. Posen et al., 176 F. 2d 194 (C. A. 2, June 23, 1949).

the effectuation thereby and in connection therewith of the following:

(a) The increase and change of Central Indiana's authorized common stock from 500,000 shares, having a par value of \$10 each, to 1,100,000 shares having a par value of \$5 each ("Central Indiana's new common stock") and the giving of (i) cumulative voting rights, and (ii) preemptive rights, both as described in (4) and (5) of sub-section B of section I of said plan, to the holders of the shares of Central Indiana's new common stock.

(b) The increase and change of the outstanding shares of Central Indiana's common stock from 400,000 shares, having a par value of \$10 each, to 1,000,100 shares, having a par value of \$5 each.

(c) The increase of the capital of Central Indiana from \$4,000,000 to \$5,000,500 by the transfer of \$1,000,500 from Central Indiana's earned surplus account to its capital stock account.

(2) The assignment by Cenpuc, as the owner thereof, and the transfer at the time and in the manner proposed in section II of said plan of all of the 1,000,100 shares of Central Indiana's new common stock on a share for share basis to the holders of record (including Baltimore) of the shares of Cenpuc's capital stock at the close of business on a date subsequently to be fixed as the record date by resolution of Cenpuc's Board of Directors, and, as a result thereof, the acquisition by such holders of record of the shares of Central Indiana's new common stock so assigned and transferred.

(3) The acceptance by Baltimore, for the account of those persons identified in section III of said plan, of the shares of Central Indiana's new common stock transferred under section II of said plan to Baltimore as the holder of record of distributable shares of Cenpuc's capital stock (shares distributable by Baltimore under Cenpuc's amended plan, approved by order of this Commission, dated June 13, 1952) and the assignment by Baltimore and the transfer to, and the acquisition by such persons of said shares of Central Indiana's new common stock at the times, to the extent, and subject to the conditions specified in section III of the plan.

(4) The payment to and the receipt by Baltimore for the account of those persons identified in section III of said plan, of any and all dividends paid by Central Indiana to Baltimore on the aforesaid shares of Central Indiana's new common stock, and the payment by Baltimore of such dividends to the persons entitled thereto at the time, to the extent, and subject to the conditions specified in section III of said plan.

Central Indiana for extinguishment at the time specified and otherwise as provided in subsection C of section III of said plan, and the acceptance by Central Indiana of the surrender for that purpose, of all of the aforesaid shares of Central Indiana's new common stock not theretofore transferred or then transferable under said section III, and con-

currently therewith the payment by

Baltimore to, and the acceptance by Cen-

(5) The surrender by Baltimore to

tral Indiana, free and clear for its own use, of all moneys representing dividends theretofore paid by Central Indiana on the surrendered shares.

(6) The dissolution and liquidation of Central Natural, as proposed in section V of said plan, and as a result of and at the time of such liquidation, the transfer to and the acquisition by Cenpuc of all of the then assets of Central Natural.

It is further ordered, That jurisdiction be, and hereby is, reserved to enter such other or further orders conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, as may be necessary or appropriate.

By the Commission.

[SEAL]

NELLYE A. THORSEN, Assistant Secretary.

[F. R. Doc. 53-10327; Filed, Dec. 10, 1953; 8:51 a. m.]

[File Nos. 59-10, 54-82, 59-95, 54-205, 59-39, 54-50, 54-1761

NORTH AMERICAN CO. ET AL.

MEMORANDUM OPINION AND ORDER RELEASING AND RESERVING CERTAIN JURISDICTIONS

December 4, 1953.

In the matter of the North American Company and its subsidiary companies, File No. 59-10; the North American Company, File Nos. 54-82, 59-95; the North American Company, Union Electric Company of Missouri, File No. 54-205; North American Light & Power Company Holding Company System and the North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; the North American Company, Union Electric Company of Missouri, West Kentucky Coal Company, File No. 54-176.

We have before us the fees and expenses to be allowed in connection with various plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by the North American Company ("North Ameri-can"), a registered holding company, Union Electric Company of Missouri ("Union Electric"), a public utility company and also a registered holding company, West Kentucky Coal Company ("West Kentucky"), a former non-utility subsidiary of North American and North American Light & Power Company ("Light & Power"), a registered holding company, now in process of liquidation. All of these proceedings were proposed and filed as a result of an order of this Commission dated December 30, 1941, directing the liquidation of Light & Power under section 11 (b) (2) of the act,1 and of an order dated April 14, 1942. which, with certain minor exceptions not here pertinent, required that to comply with the provision of section 11 (b) (1) of the act, North American must dispose of all of its interests in its utility and non-utility holdings, other than

those comprising the Union Electric system.

On August 4, 1943, North American filed its so called "Regional Plan" under section 11 (e) of the act for the stated purpose of effecting compliance with the provisions of section 11 (b) of the act.

No decision was ever rendered by the Commission with respect to the 1943 plan and on April 18, 1946, this plan was withdrawn and a new plan was filed which proposed to effectuate compliance with section 11 (b) of the act by the payment of North American's bank loans and the distribution of certain of its security holdings to its stockholders under a warrant, the creation of an investment company, the withdrawal of certain claims asserted by Illinois Power Company, a former subsidiary of Light & Power, against Light & Power and North American and the integration of Illinois Power Company with Union Electric, evidence on which was taken in proceedings relating to a section 11 (e) plan filed by Light & Power providing for its liquidation and dissolution. Hearings were held and briefs filed with respect to this plan, but before a decision could be reached, a new plan was filed, which in addition to modifying certain provisions of the 1946 plan to which objections were raised, also embodied the settlement of the intercompany claims and provided for the liquidation and dissolution of Light & Power. The claims settlement was approved by this Commission and enforced by the District Court in May 1947. After a further amendment, the plan of liquidation for Light & Power was also approved by this Commission' and enforced by the District Court.6 An appeal was taken by certain common stockholders of Light & Power with respect to certain phases of the Light & Power plan which was not finally resolved until 1950, but in the meantime distributions and sales of Light & Power's portfolio holdings were effected and the claims of the holders of the publicly held preferred and common stocks of Light & Power were satisfied.

In the years 1947, 1948, and 1949 North American, after appropriate approvals by this Commission, sold and distributed major investments in its principal subsidiaries in accordance with the provisions of the 1947 plan relating to compliance with section 11 (b) of the act, including a section 11 (e) plan providing for the transfer of a portion of the properties of West Kentucky to Union Electric as a capital contribution by North American and the distribution of its holdings of West Kentucky stock by North American to its stockholders.

<sup>&</sup>lt;sup>1</sup> North American Light & Power Company et al., 10 S. E. C. 924.

<sup>&</sup>lt;sup>2</sup>The North American Company 11 S. E. C. 194 (1942), affirmed sub. nom. North American Company v. S. E. C., 133 F. 2d 148 (C. A. 2, 1943), affirmed 327 U. S. 696 (1946).

The North American Company and its Subsidiary Companies 25 S. E. C. 349, 25 S. E. C. 651 (1947).

<sup>4</sup>D. Del. Civil Action 1033 (May 28, 1947). <sup>6</sup>The North American Company and its Subsidiary Companies 26 S. E. C. 169 (1947). <sup>6</sup>In re Illinois Power Co. 74 F. Supp. 317

<sup>(</sup>D. Del. 1947).

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By order dated October 31, 1952, we approved a plan under section 11 (e) of the act filed on April 18, 1952, by North American and joined in, to the extent necessary, by Union Electric providing primarily for the liquidation and dissolution of North American, subject to certain terms and conditions, including one that North American shall pay only such fees and expenses in connection with the plan and proceedings relating thereto as the Commission may approve on appropriate application made to it. Subsequently, we notified the interested persons that applications for approval of fees and expenses should be filed and North American was requested to supply information regarding certain fees and expenses paid or proposed to be paid for services in connection with these proceedings.

On November 30, 1950, we released jurisdiction with respect to the fees and expenses requested by the applicants for services rendered in connection with the joint plan under section 11 (e) of the act filed by North American, Union Electric and West Kentucky.8 In approving a fee of \$10,000 to George Rosier for services in that proceeding, we indicated that such approval should not be construed as any indication of what weight we would accord his contentions as to the proper measure of the compensation to which he might be entitled, either in the Light & Power reorganization or with respect to any future application that he might file in connection with any proceeding under section 11 (e) of the act relating to North American.

On December 21, 1950, we issued an order releasing jurisdiction with respect to the payment of certain fees and expenses, as therein set forth, for services in connection with the plan of reorganization of Light & Power, and reserving jurisdiction with respect to the fees and expenses to be allowed to the firm of Burns, Currie, Walker and Rich until the matter of fees for services in the over-all North American situation was disposed of, and in allowing an interim payment of \$20,000 to George Rosier for his services in that proceeding, reiterated that the amount was not to be construed as any indication of what we might determine subsequently, in future proceed-

ings, to be an appropriate total allowance for Rosier's over-all services,0

The firm of Burns, Currie, Walker and Rich has filed a supplemental statement which completes the record with respect to services performed in the Light & Power matter. With regard to Rosier, we believe the amounts heretofore allowed Rosier represent adequate compensation for services performed in those matters and that no further allowance should be made to him for such services. The allowance made herein to Rosier is for services performed in connection with the plan of liquidation and dissolution of North American.

The following table shows the amounts of fees and expenses for services performed in the above proceedings, the approval of which has been requested:

" Doorsiont on annilson	Amount requested		
Recipient or applicant	Fees	Expenses	
Sullivan & Cromwell, counsel to North American Burns, Currie, Walker & Rich, counsel to North American. George Rosier, counsel to trus- tees of Central States Electric Corp., and its two subsidi- aries, American Cities Power & Light Corp. and Blue Ridge Corp. The Ad Press, Ltd. Neville Press. Lincoln Engraving & Printing Co. Merrill Lynch, Pierce, Fenner & Beane, brokers for North American stockholders that disposed of small holdings of Union Electric stock.	\$150,000.00 29,500.00 35,000.00	\$783. 04 413. 71 712. 45 103, 148. 00 6, 504. 00 631: 00	
Total	217, 490. 50	112, 192. 20	

The Commission having considered the statements and affidavits heretofore submitted in support of the requested fees and expenses and having examined the record and the requested fees and expenses in the light of the standards of the act, and having concluded that the requested fees and expenses in the amounts set forth are reasonable and for necessary services:

It is ordered, That the applications for allowance and reimbursement of expenses are reasonable and that the reservations of jurisdiction in these matters with respect to said fees and expenses, be, and the same hereby are, released.

It is further ordered, That jurisdiction be and hereby is reserved with respect to any additional fees and expenses to be incurred in connection

with further proceedings on North American's section 11 (e) plan.

By the Commission.

[SEAL]

NELLYE A. THORSEN. Assistant Secretary.

[F. R. Doc. 53-10328; Filed, Dec. 10, 1953; 8:51 a. m.]

# INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28726]

PULPBOARD AND FIBREBOARD FROM CLYATT-VILLE AND ESKAY, GA., TO OFFICIAL AND ILLINOIS TERRITORIES

#### APPLICATION FOR RELIEF

DECEMBER 8, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Clyattville and Eskay, Ga.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition. circuity, to maintain grouping, to apply rates constructed on the basis of the short line distance formula, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C.

No. 1349, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD Secretary.

[F. R. Doc. 53-10314; Filed, Dec. 10, 1953; 8:46 a. m.]

The North American Company et al., Holding Company Act Release No. 11530.

The North American Company et al., Holding Company Act Release No. 10256.

The North American Company and its Subsidiary Companies, Holding Company Act Release No. 10304.